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John F Cogan LL.D
June 16, '33

IS China today respecting in practice, the heories and political conceptions belonging) the longest dynasty in her history?

This new book reviews theories and prac-ces of the Chinese during the Chou Period 1122-249 B.C.). These 900 years of govern-ental change represent one of the most in-resting epochs in Chinese history. The book terprets China from the Chinese standpoint nd not from the foreign or Western bias.

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CHINESE POLITICAL THOUGHT

CHINESE POLITICAL THOUGHT

A STUDY BASED UPON THE THEORIES OF THE PRINCIPAL THINKERS OF THE CHOU PERIOD

BY

ELBERT DUNCAN THOMAS, A.B., PH.D.

PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF UTAH; SOMETIME FELLOW IN POLITICAL SCIENCE, UNIVERSITY OF CALIFORNIA; FORMERLY PROFESSOR OF ORIENTAL CULTURE, UNIVERSITY OF UTAH

FOREWORD BY

EDWARD THOMAS WILLIAMS, M.A., LL.D.

AGASSIZ PROFESSOR OF ORIENTAL LANGUAGES AND LITERATURE, UNIVERSITY OF CALIFORNIA; FORMERLY AMERICAN CHARGÉ D'AFFAIRES, AT PEKING, CHINA; RECENTLY CHIEF OF THE DIVISION OF FAR EASTERN AFFAIRS, DEPARTMENT OF STATE

WITHDRAWN

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TO

R. K. T.

Οὔ τις ἀνὴρ προπάροιθε μακάρτατος οὔτ' ἄρ' ὀπίσσω

FOREWORD

China is the only existing independent nation that can claim to have been a contemporary of the great empires of antiquity—Egypt, Assyria, and Babylon. To these great powers, however, she apparently owed nothing. Shut in on the west by the loftiest mountains in the world, protected on the north by the deserts of Taklamakan and Gobi, and on the east and south by the restless sea, the Chinese people in seclusion developed a civilization that was in nothing inferior to the best that these great empires could show.

In the long period of time covered by their history they met with problems similar in character to those encountered by men elsewhere. Dr. Thomas says very truly that "it no longer shocks our habits of thought to assume that man, acting as is his right as a 'political animal,' has responded to a given stimulus in much the same way in the East as in the West."

Since China is much older than the political world of the West, she very naturally met and solved some problems at an earlier period than the Western world was called upon to solve them. Sometimes, too, she failed, just as modern statesmen sometimes fail. In the first century of our era, Wang Mang attempted to abolish slavery and private property in land. He said: "The land shall belong to the state: the slave shall belong to himself." He also attempted to bring relief to the agriculturist. He devised a system of loans in aid of the farmer and adopted an ingenious scheme for the regulation of the price of grain. Four times a year a maximum and a minimum price were fixed for grain in three qualities: prime, medium, and inferior. When the market price fell below the minimum, the government bought from the farmers all that they would sell at the minimum. This was stored in granaries, and, when the price rose above the maximum, the granaries were opened and the grain sold at the maximum. Wang Mang also instituted an income tax. All these measures antagonized the propertied classes and Wang was destroyed.

Dr. Thomas has confined his survey to an earlier period—to that of the Chou Dynasty, 1122–249 B. C. That in some

respects was one of the most interesting and important periods in Chinese history. Some of the most characteristic institutions of the Chinese find their origin in this period.

Confucius tells us that the Shang Dynasty followed in the main the regulations of the Hsia which preceded it, and that such modifications as were made were easily detected. He says, too, that the Chou Dynasty followed generally the regulations of the Shang, but with some modifications. In another connection he says: "Chou has profited by the experience of two preceding dynasties. How courteous and elegant are all its ways! I am for the House of Chou."

Yet, at the very time when he was speaking, the authority of the House of Chou was rapidly failing and its ancient institutions were undergoing a profound modification. Confucius sought in vain to stem the tide of change. He would fain call the nation back to the practices of Wen and Wu. But the world does not go backward. Neither Confucius' protests nor his quotations from ancient worthies could stop the wheel of progress. Mencius, a hundred and fifty years later, took an entirely different attitude. He would have replaced the House of Chou with some other, better qualified to reunite the nation. The change came shortly after the death of Mencius, but not in the way in which he had hoped.

The dynasty of Chou had established a feudal monarchy, similar to those that had preceded, but China outgrew feudalism. The vassals became more powerful than the monarch. In the days of Mencius they were calling themselves kings. They acknowledged a nominal allegiance to the King of the Middle Kingdom and looked to him to make the sacrifices to God, but practically they were independent. They made war one with another, entered into treaties of alliance, of commerce, and of extradition. And in this intercourse they evolved political theories and adopted political practices which we have been disposed to regard as wholly of Western origin.

We do not need to stress the lesson of Voltaire's parable, for, after all, we are of the West and we recognize that our institutions have come in the main from Palestine, Greece, and Rome. It is but natural that, in our educational systems, we should give much space to the history of these regions. But, on the other hand, it is well to remember that "there are people on the other side of the mountain." The experience of the Chinese is not without

value. We may, if we will, gather valuable lessons from their history.

Dr. Thomas has feared that some readers might accuse him of reading Western conceptions into ancient Chinese phraseology. He has been very cautious in this respect. But, after all, human nature east of the Pamirs is just the same as human nature west of the Pamirs, and men in either region under like conditions may be expected to act in like manner.

This treatise is unique. It cannot but be of value to students of political science. Dr. Thomas states his aim very modestly:

"I trust that suggestions may be found here which will lead students into the type of research that will bring the great civilizations of the East more into the Western scheme of thought."

E. T. Williams

Berkeley, California

PREFACE

It is with a purpose that I have consistently avoided the use of Chinese words and also of those words which have become technical in Western vocabulary. I have explained ideas or conceptions instead of words, in order that conclusions may not be considered dogmatic and absolute. Therefore, the reader must constantly bear in mind that we are writing and thinking in the English language many centuries after the Chinese thoughts which we are considering were put into symbols or ideographs. We have without doubt written into the Chinese many ideas which are our own, but there has been, nevertheless, a constant effort to avoid doing that very thing. The Chinese characters themselves are invitations to speculation and dreaming, and many a Westerner has erred in following his fancy in the interpretation of both Chinese and Japanese; therefore, let me here state that, when arguments are made based upon the meaning of a Chinese character, I have always used other persons' opinions first and have allowed my own thought to enter into an interpretation only when I felt fully and completely justified in so doing. Even when the reader, the thinker, and the writer all use the same language, we know that words and thoughts are very tricky things, if not actually willful deceivers; therefore, I think that I need but say that I have done the best possible under the circumstances, and that at least I must be satisfied with my efforts if not always with my results.

Some of the writings which are credited to Lao Tzu and Chuang Tzu and, at times, to the other great thinkers, are considered by commentators and translators as spurious. For our problem this makes no difference. The thought of the spurious writings has, nevertheless, been accepted, and, therefore, it has had as much influence as the others and has become a part of Chinese life and thought.

The chapters dealing with the historical background may well be omitted by the reader who is familiar with Chinese history and literature. I have merely reviewed information of a general sort for the student who is not at home even in this most familiar field of things Chinese.

The reader should keep in mind the time in which these old Chinese thinkers lived. They should not be compared with the writers of the present who have been schooled in the theories of the ages; but, if comparisons must be made, they should be compared with those thinkers in the West who lived from two to three centuries before Aristotle's time to one hundred years after his death.

That the Chinese field of study has proved itself a fruitful one to the student of comparative religions, anthropology, economics, social institutions, and history is beyond doubt. It is also a fact that, while much splendid work has been done, the field is so large that it remains an almost virgin one. Therefore, we may expect that investigations by the student of political theory may also prove fruitful. Most of the energy of students in political theory has been spent in European and American fields. This limiting of the field of research, in a subject which is so general as the study of governmental theory must be, has, in a quite unconscious way, had a narrowing effect on the outlook. The attitude of the closed door is never a broadening one for the student, nor is it for the instructor, in that it tends to show a lack of appreciation for the greatness of a branch of knowledge.

The Chinese field of investigation is so large and so extensive that the investigator is constantly reminded of that fact. This brings home to him his weakness in undertaking a study of this kind. He seems to stand alone in the realm of the unknown; thus his steps hesitate, and he does not leave the way of a humble student seeking for light. In this short study, criticism, comparison, and generalization will be found lacking. In this I think I have been consistent, for the first step in approaching the study of a great civilization is to appreciate what it may have accomplished. This, I think, I have done.

I wish to express here my gratitude to Professors Raymond G. Gettell, Edward T. Williams, A. L. Kroeber, Frank E. Hinckley, and N. Wing Mah of the University of California. The help I have had from them and the good I have received from associations with them have been of inestimable value to me. The careful work of Miss Helen Rosenberg of Oakland, California, and of Phil S. Grant of the University of Utah, will not be forgotten.

Elbert Duncan Thomas

Salt Lake City
Utah

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CHINESE POLITICAL THOUGHT

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Chapter I

INTRODUCTION

Voltaire draws a vivid picture of the meeting of two great but self-satisfied civilizations in "A Conversation with a Chinese," in these words:

"In the year 1723 there was a Chinese in Holland who was both a learned man and a merchant, two things that ought by no means to be incompatible; but which, thanks to the profound respect that is shown to money, and the little regard that the human species pay to merit, have become so among us.

"This Chinese, who spoke a little Dutch, happened to be in a bookseller's shop at the same time that some literati were assembled there. He asked for a book; they offered him Bossuet's 'Universal History,' badly translated. At the title 'Universal History'—

"'How pleased am I,' cried the Oriental, 'to have met with this book. I shall now see what is said of our great empire, of a nation that has subsisted for upwards of fifty thousand years; of that long dynasty of emperors who have governed us for such a number of ages. I shall see what these Europeans think of the religion of our literati, and of the pure and simple worship we pay to the Supreme Being. What a pleasure will it be for me to find how they speak of our arts, many of which are of a more ancient date with us than the eras of all the kingdoms of Europe!' . . .

"'Lord bless you,' said one of the literati, 'there is hardly any mention made of that nation in this work. The only nation considered is that marvelous people, the Jews.'

"'The Jews!' said the Chinese; 'those people then must certainly be masters of three parts of the globe at least.' . . .

"Here I joined in the conversation, and told him that for a few years they were in possession of a small country to themselves; but that we were not to judge of a people from

the extent of their dominations, any more than of a man by his riches.'

"'But does not this book take notice of some other nations?' demanded the man of letters.

"'Undoubtedly,' replied a learned gentleman who stood at my elbow; 'it treats largely of a small country about sixty leagues in circumference, made by the hands of man.'

. . . . . .

"'The inhabitants of that country,' continued the doctor, 'were all sages.'

"'What happy times were those!' cried the Chinese; 'but is that all?'

"'No,' replied the other, 'there is mention made of those famous people the Greeks!'

"'Greeks! Greeks!' said the Asiatic, 'who are those Greeks?'

"'Why,' replied the philosopher, 'they were masters of a little province, about the two-hundredth part as large as China, but whose fame spread over the whole world.'

"'Indeed!' said the Chinese, with an air of openness and ingenuousness; 'I declare I never heard the least mention of these people, either in the Mogul's country, in Japan, or in Great Tartary. . . . Tell me what other unknown things does this "Universal History" treat of?'

"Upon this my learned neighbor harangued for a quarter of an hour together about the Roman republic, and when he came to Julius Cæsar the Chinese stopped him, and very gravely said:

"'I think I have heard of him; was he not a Turk?'

"'How!' cried our sage in a fury, 'don't you so much as know the difference between pagans, Christians, and Mahometans? Did you never hear of Constantine? Do you know nothing of the history of the popes?'

"'We have heard something confusedly of one Mahomet,' replied the Asiatic.

"'It is surely impossible,' said the other, 'but you must have heard at least of Luther, Zwinglius, Bellarmine, and Œcolampadius.'

"'I shall never remember all those names,' said the Chinese, and so saying he quitted the shop, and went to sell a large quantity of Pekow tea and fine calico, and then, after pur-

chasing what merchandise he required, set sail for his own country, adoring Tien, and recommending himself to Confucius.

"As to myself, the conversation I had been witness to plainly discovered to me the nature of vainglory; and I could not forbear exclaiming:

"'Since Cæsar and Jupiter are names unknown to the finest, most ancient, most extensive, most populous, and most civilized kingdom in the universe, it becomes ye well, O ye rulers of petty states! ye pulpit orators of narrow parish, or a little town! ye doctors of Salamanca, or Bourges! ye trifling authors, and ye heavy commentators!—it becomes you well, indeed, to aspire to fame and immortality.'" [1]

The student of to-day does not react to this conversation by bewailing as did Voltaire the "vainglory" of man, but assumes the responsibility of delving into the great unknowns of history and looks forward to the day when such a conversation will become less and less natural.

It has now been two hundred years since Voltaire's Chinese merchant asked for a book in the Holland Book Shop, and during that two hundred years great progress has been made in unfolding Chinese history and life to the West. Still, in the realm of political science, western writers on this subject have in one way or another ignored the Chinese field. Professor Dunning, in his "Political Theories, Ancient and Medieval," says in the Introduction (pp. xix, xx):

"The Oriental Aryans never freed their political from their theological and metaphysical environment in which it is imbedded to-day. The Semitic Jews and the Saracens at times achieved rather more, but their achievement was not permanent. The Turanian Chinese attained a strikingly advanced position in the evolution of ethical doctrine; but neither in theory nor in practice did they ever take a further and decisive step of discriminating between ethical and political conceptions. The Aryans of Europe have shown themselves to be the only peoples to whom the term 'political' may be properly applied and it is to their theories that this history will substantially be confined."

Burgess, in his "Political Science and Comparative Constitutional Law," volume 1, page 30, in laying down the same premise, says:

"Critics of the use of this term have assailed it as implying

[1] "Romances," Vol IV, "A Conversation with a Chinese."

an arrogant assumption of superiority for our own race. The assaults are without foundation. Whether, from the standpoint of God, or nature, or the Unknowable, or abstract reasoning, 'political peoples' are superior to other peoples, is not involved in the term; the only point is that a distinction may be perceived between the two classes of peoples."

Professor Lord, in the opening sentence in his "Principles of Politics," says:

"The theory of politics is the peculiar product of Western thought. Oriental thinkers have speculated and meditated profoundly upon the nature of Reality and the soul of man, upon his virtues and his duties; but only in Western civilization has the social consciousness of men attained that superior grade of political interest at which it demands a theory of the State and of its relations to the individual citizens who compose it."

And thus have the bounds been set by these writers in the science of politics for the study of political theories.

The division of the world into "political" and "nonpolitical" peoples will hardly stand under the strain of present-day research. We know of some of the origins of such ideas in western thought. I give some examples:

"The Hindus were a nation of philosophers. Their struggles were the struggles of thought; their past, the problem of creation; their future, the problem of existence. . . . It might therefore be justly said that India has no place in the political history of the world." [2]

Janet carries the idea further and makes it embrace the whole Orient when he says, "L'Orient en général, l'Inde en particulier, n'a pas connu l'idée de l'État." [3]

Many conceptions of Chinese theory, as we have it in our political science books, come also from such statements as these: "Liberty is unknown among the people; there is not even a word for it in the language." [4] The statement is true if used in its pure, simple, self-government meaning, but when we consider such words as these, "From the Emperor down the root of everything is in the cultivation of the person," [5] we see that the idea is not wanting. Confucian liberty meant

[2] Müller, Max, "History of Ancient Sanskrit Literature" (1859), p. 31.
[3] Janet, "Histoire de la Science Politique," tome I, p. 26.
[4] Williams, "Middle Kingdom," Vol. I, p. 411.
[5] "Analects," Ch. II.

as it did with Plato learning "how rightly to rule, and rightly to obey." [6]

Following such leadership it is natural that writers have developed their works in political philosophy by commencing with the founder of the science of politics, Aristotle, and the "mother of almost everything that makes life worthy to be lived," Greece, and working westward.[7]

But we need no longer be kept in such bounds. It no longer shocks our habits of thought to assume that man acting as is his right as a "political animal" has responded to a given stimulus in much the same way in the East as he has in the West. This one thought enlarges our aim in political science and we stand ready to cast aside the conclusions reached from following some of the former conceptions. The present day can acquire much from the studies of oriental political experience and the field of knowledge cannot help but be enlarged.

A nation, such as China, which has had for so many hundred years the "Shu King," which, in spite of its usually translated title, "The Book of History," is as much a treatise of government; [8] the "Li Ki," with its governmental as well as its religious ceremonies; the "Ch'un Ts'iu," which, since its compilation, has been recognized as giving lessons in government which were to last "for 10,000 ages"; [9] the development of such consistent and convincing anarchists as Chuang Tzu and Lieh Tzu—such a nation cannot be spoken of as a "non-political" people.

The political worth of history, and, therefore, an appreciation of the science of politics, cannot be foreign to the thoughts and the mind of a man like Ssu-Ma Kuang whose preface I will use in attempting to make my point. Ssu-Ma Kuang lived long after the period we are going to consider, but he was a master of the theories of the Chou period. Ssu-Ma Kuang was a scholar and a statesman of the eleventh century A. D. His preface, dated 1084 A. D., reads as follows:

"Your servant's physical strength is now relaxed; his eyes are shortsighted and dim; of his teeth but a few remain. His memory is so impaired that the events of the moment are

[6] "Laws," Bk. I.

[7] Pollock, "History of the Science of Politics" (1920 ed.), p. 1.

[8] The "Canon of Shun" in the "Shu King" has had in a sense the force of a written constitution.

[9] "Tso's Commentary," Legge, pp. 373, 374.

forgotten as he turns away from them, his energies having been wholly exhausted in production of this book. He therefore hopes that your majesty may pardon his vain attempt for the sake of his loyal intention and in moments of leisure will deign to cast the sacred glance over this work, so as to learn from the rise and fall of former dynasties the secret of the successes and failures of the present hour. Then, if such knowledge shall be applied for the advantage of the Empire even though your servant may lay his bones in the Yellow Springs, the aim and ambition of his life will be fulfilled." [10]

There have been two classes of students who have written on the institutions of Asia, one much in the spirit of the closed door to real investigation and study, because of having acquired truths or half-truths from various writers on the Orient, for example, "that Confucianism is not a religion—just a system of ethics," [11] "that the Japanese cannot trust their own people but have to hire Chinese to handle the money in their banks." Then there is the other class of enthusiasts who see too much in the art, science, politics, and literature of the East; who see the most modern theories of western democracy and even Sovietism in the early "tribe republics," and the village democracies of the early East; who recognize modern Pluralism in the ancient Chinese guild system. Half-truths do harm when comparisons are made and conclusions are drawn. The true approach is simply one of appreciation; one which realizes that what we have in the West in the way of state theory and what we have attained in the way of government has come to us, step by step, through the ages; that the East, having passed also through its ages, must have developed theories and experienced political development of lasting worth; and that an understanding of these in their own proper setting and their own place in history will be of service to the scholarship of the West. This is my aim, but, nevertheless, I realize that, after many years of study, I shall still be in "ignorance of the relative importance of things." [12]

[10] Giles' "China and the Chinese," New York, 1902. Ssu-Ma Kuang's great work was the "Universal Mirror to Benefit Government." It was added to in later centuries and became a complete handbook of general history. It was translated into French by Father de Mailla, who died in Peking in 1748. It was published in Paris as the "Histoire Générale de la Chine" in 1777.

[11] The Chinese Constitution of Oct. 10, 1923, Ch. IV, Art. 12, reads: "Unless according to law, the liberty of a Chinese citizen to honor Confucius and believe in other religions shall not be restricted" (*Current History Magazine*, January, 1924).

[12] "Mencius," Bk. VI, Pt. 1, Ch. 12.

As time goes on, unbiased investigators will find in the history of China the same struggles and tribulations through which people in the West have passed. It is difficult to mention institutions or ideals of the West for which the Orient has not a parallel. No political weakness of China can be pointed out that has not been experienced in the Occident. I have attempted to avoid superficial analogies and, in addition to the spirit of appreciation mentioned above, I have attempted to detach the life of to-day when considering ancient China; I have attempted to give only what seemed to be actual fact and I have tried not to read my occidental mind into ancient Chinese thought.

While it is a habit of writers generally to give China, as Dunning and Janet do, high place in the science of ethics and morality, the slight considerations given to political China are buried in such terms as "Oriental Empire," or in the stressing of morals, ethics, religion, and personal habits of propriety, they are forgotten; still several writers give brief but worthy consideration to Confucius and Mencius. But the moral and ethical teachings of these great thinkers are so heavily stressed that the ordinary student of political theories assumes that the field needs no further investigation. A conviction that there is a field for further and more extended research on the part of students of political thought in the works of Chinese thinkers has been my primary stimulus. That the field is comparatively virgin becomes more and more evident as thoughts multiply and as one's attention is called to the questions raised by writers who have, either from habit or inclination, limited their fields in the possible development of theories to the bounds as suggested above.

My brief work will in no way attempt to enter or to settle any comparative theories of history, anthropology, or sociology: but I trust that suggestions may be found here which will lead students into the type of research which will bring the great civilizations of the East more into the western scheme of thought.

The influence of Chinese political thought on Europe remains for others to work out, and for future study on my own part. That the influence during the seventeenth and eighteenth centuries especially was great there can be no question in the mind of a thoughtful and well-informed reader. That that influence may at least be easier to recognize after reading

my study is naturally a hope which I think not out of place here.[13]

Whether this study will contribute to an appreciation of present problems of China and the problems of the rest of the world in China has not been given consideration, for that has not been my aim, but surely a better understanding may at least be hoped for after reading, for one cannot help but realize that China is not for the first time now working out, for example, the problems of democracy. That there has been influence from without on the present political movements in China there can be no doubt, and this influence has been great in bringing the Chinese from an empire to a republic, but she is able to gather from her own political experience almost all that she needs in the way of theory to bring about that change. In the change of China from an empire to a republic only two emblems, out of a total of twelve, representing Chinese political ideas, had to be left out of the new republican seal of state, the dragon and the phœnix which stood for the sovereignty of the emperor and the empress. The other ten emblems remain as heretofore and represent political ideals. That the seal to-day with its ten remaining ancient emblems

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[13] Father Gaubil's translation of the "Shu King" was published in French, in Paris, 1770.

Jean de Monte Corvino, known as archbishop of Peking, was in China as early as 1330.

The following books, for example, must have been familiar to the readers and thinkers of the period mentioned:

China had a place in "La Cosmographie Universelle" published in Paris, in 1577.

Bernardine of Escalanta wrote in Spanish, "A Discourse of the Navigation which the Portugales doe make to the Realms and Provinces of the East Partes of the World," in 1577. This was translated and published in London, 1579.

Mendoca's work was published first in Rome, in 1585, then in French, in Paris, in 1588.

Michel Baudier's "Histoire de la Cour du Roy de la Chine," was published in Paris, in 1626.

Alvarez Semedo's, "Imperio de la China," originally written in Italian, was published in Paris, in French, in 1645, and in London, in English, in 1655.

Thomas Salmon's "Modern History or the Present State of All Nations" was published in London at periods from 1725–1739. The volume on China was published in French in Amsterdam, in 1730.

E. de Silhoullte's "Idée Générale du Governement et Morales des Chinois" was published in Paris, in 1729.

Jean Baptiste's Du Hulde's "Description Geographie de l'Empire de la Chène" was published in Paris, in 1735.

The Chinese political system is made a model by Quesnay. See Quesnay's "Despotisme de la Chine," first published in the "Éphémérides du Citoyen," in 1767, and reprinted in "Œuvres Économiques et Philosophiques de Quesnay" (ed. Oncken), 1888, pp. 563–566.

typifies the sovereignty of the people should in itself attract the attention of the political investigator, for the change in the seal by no means represents a great change.[14] From the standpoint of theory China has experienced all the necessary elements in her history to make democracy logical and consistent with her present condition.

We may, I trust, say that Chinese history since her modern contact with the West bears out the statement that she has in attitude been entirely consistent with her political philosophy as it has come down to her from the ages. Surely, then, there is a place for the study of Chinese political theories in the scheme of any consistent student of the science of government.

As Dunning has suggested there is not a great division between Chinese political and moral thoughts, but the political duty is the supreme duty. The prince's or the subject's duty to the state is made a moral duty as it has undoubtedly been wherever patriotism has been developed. This has made for political morality, which is the highest of all moralities in the eyes of the Chinese when there is a conflict between duty to the state and any of the other many duties which propriety demands. Tso in his "Commentary" says: "If the Prince disobey his father's command he will be unfilial; if he abandon the business (of State) entrusted to him he will be unfaithful. Although he knows the cold feeling of his father he must not choose to do evil, rather let him die in obedience." [15] Duty to state trust comes first.

The idea given by western writers on political theories that the Chinese did not have any political philosophy is hard to understand. A mere reading of Chuang Tzu, Mencius, and the "Commentary" of Tso will show that such conclusion is not correct. The works of Mencius open as follows: "The King said, 'Venerable sir: since you have not counted it far to come here, a distance of a thousand li, may I presume that you are provided with counsels to profit my Kingdom?'" While it is true that in respect to this question Mencius says that he has come only with "counsels to benevolence and righteousness" and that these are his only topics, the benevolence and righteousness which he taught were to a great extent connected with state affairs and the actions of rulers.

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[14] For the probable age of the Chinese seal and the origin of its symbols see "Shu King," "Yih and Tseih," p. 80.

[15] Tso's "Commentary," p. 128.

If western writers mean that China has no political theory, because it is connected with ideas of morality, right dealing, and proper actions, they may probably make a case, but Chuang Tzu, in describing government, shows as plainly as did Machiavelli that a state morality is lacking and that rulers do in the name of the state what they could not do as individuals. But this Chuang Tzu condemns rather than supports. But did that make him less of a political thinker than Machiavelli who justifies the apparent immorality of state action on the ground that a state need not be bound as is the individual? Righteousness and benevolence are not taught because of their individual worth, as such, but because they are the only principles that can make a country prosperous. That is a political theory supported by all the Chinese writers here reviewed.

Politics may never have been considered a science by the Chinese, but government from the very earliest times has been an art and men have been called to positions in governmental service because they trained for such positions and as a result of their success proved in competitive examinations taken in theories and teachings on governmental practice. The Chinese are the fathers of the civil service system as practiced now by modern governments and only those who learned the way of the ruler were allowed to rule. The political history of China shows the force of this ideal constantly practiced, and for centuries it resulted in great stability. This is probably the world's best example of what a single controlled educational system will do in establishing stability. The Chinese government has been a government of scholars. In the main, great thinkers of China considered government as an art, and an art, too, which could be acquired much as one masters the art of music or dancing. The thinkers who have molded the thought which has been the basis of Chinese government since the foundation of the Empire are the ones to which I have given consideration in this study.

From what I have said above it must not be presumed that I do not recognize the fact that most of the inspiration which republican China is receiving to-day is from the West. It is to the West that the occidentally trained young Chinese are looking and much that is happening is due to them and their experiences in the West. But, in spite of this, republican China will be Chinese and not American. Would it not be better

for the Chinese to adopt Mencius' theory of the people's sovereignty, rather than Rousseau's? [16] That the Chinese can misinterpret the West as I am afraid I have often misinterpreted ancient China, I offer the following as an example:

"The strength of European nations lies in the fact that all regard the affairs of the nation as they do their own family affairs. There are many skilled politicians who establish political parties; all upright men, without the least particle of disinterested motive, always holding the good of the nation and the happiness of the people as of the highest importance." [17]

[16] "In order that we may get the essence of this new political philosophy, let us make a somewhat close examination of the doctrines laid down by Rousseau. He simply cannot be ignored, for his 'Social Contract' became the textbook of the French Revolution and of that world-wide equalizing movement which has in our day penetrated even the heart of China, preparing the way for the overthrow of absolutism and the triumph of the third estate." Beard's "Economic Basis of Politics," p. 74.

[17] From "New Terms for New Ideas" ("A Study of the Chinese Newspaper"), by Mrs. A. H. Mateer.

Chapter II

THE PERIOD

"Man is by nature good."

To the student of political theory, the outstanding contribution of the Chou period is the statement, "Man is by nature good," taken from the opening sentence of the "Three Character Classic." The idea is the basic thought of Mencius' interpretation of the political philosophy of what is commonly called the Confucian School.

The Chou period stretches from 1122 to 249 B. C. and represents, if we use the imperial form of historical reckoning, the longest dynasty in Chinese history—900 years. It may be spoken of as the formative and constitutional period of all Chinese culture. It created standards which have been dominant since its time wherever Chinese influence has been felt. Therefore, in a number of respects, the influence of the Chou period on the culture of China bears a striking resemblance to the influence of Greece in the West.

Politically the period recognizes the Chinese imperial scheme and commences with a comparatively strong centralized organization, but it is a period of great changes, and, when looked at as a whole, it marks a gradual weakening of central authority, a great increase of power being taken by vassal princes or heads of confederated states until at one time the power was so divided that there were as many as one hundred twenty-five separate states. In Confucius' time there were fifty-two. It is a period which keeps, as a theory, the absolutism of the Emperor as the son of Heaven, but which is able to produce the anarchism of Chuang Tzu and the democracy of Mencius.

It is a period of war. There is fighting with the Huns on the North and with the aboriginal tribes south of the Yang-tse-Kiang. Then, internally, there is an almost incessant war between petty states and military generals which leads to leagues, alliances, and covenants, and develops such decidedly unsatisfactory conditions for men and for states that the protests of the philosophers, the reformers, and the thinkers

are developed to such splendid limits that great schools of thought are produced and systems of philosophy established. It is a period of such political and social decay that it becomes the mother of future cultures. It is a period of great murders, intrigues, beautiful ladies, and great inventions. It is a period during which a cook, to gain favor with his lord, because he had heard him remark that human flesh must taste good, killed his own son and served him on the banquet table. It is a period, too, of profound ignorance in which the bright philosophers stand out like suns in a black universe. It is a period of art, poetry, and great military strategy. It is a period of the political adviser, the benevolent ruler, the wise minister, and the diplomat who lives by his wit and his tongue. It is a period of fine mothers, those of Confucius and Mencius, especially of Mencius, who lays down such high ideals of woman's devotion and sacrifice that Chinese women since her time have found but one place in society—the home—where they have been, in theory, servants, but very often, in practice, supreme. It is a period, too, of the foolish courtesan and the doting prince who loses thrones and states to satisfy whims of the moment. It is a period of change and transformation and ends in such complete disorder that it paves the way for the coming of the strong dictator and results in the ushering in of the first great universal emperor, Ts'in-Shih-Hwangti, who attempts to make a complete break with the past by destroying all the political literature and starting civilization over on a proper basis, and thereby, marks for the future generations of scholars, the age he would destroy as the age of heroes. Nine hundred years is a long time, and many, many things happened that the world of to-day does not know or even care about; but the nine hundred years considered as a unit marks the birth period of what is to-day Chinese civilization, culture, and history.

On the origin of the Chinese we dare not dwell. There are the old theories of the eighteenth century that they were connected with Egypt; the later theory of T. de Locouperie, that associates them with Babylonia; the one of Count Gobineau of France that they were connected with India; and another, largely as a result of the work of Jastrow and Ball, that their source would be found in Central Asia,[1] then, as a fifth, that China developed in an isolation, which is what one

[1] Williams, "China, Yesterday and To-day," pp. 35, 36.

would assume happened if one accepts the Chinese story as it is as telling the complete truth. While we have to recognize that theory in showing what China believed, there can be no doubt that it is untrue. China has been related to other cultures and is not a people developed entirely from within. No culture can be thought of as being absolutely alone. China was influenced from without and her thought has influenced the outside world in spite of the fact that credit for so doing has not always been recognized, especially in the West.

Students to-day believe, I think, that there is no need of assigning any culture as a gift from definite knowledge sources. Culture origins are old, perhaps older than ever assumed. We have still to learn much in that field.

In the earliest records of China there is no mention of migration from abroad. Beginnings of history find the Chinese in the middle and lower course of the Yellow River and wherever they move or migrate they meet with various tribes of aboriginal population. Chinese civilization is probably complex in spite of its apparent oneness. The Chinese surely influenced the Siamese, the Tibetans, and the Burmese, and in return must have been influenced by them and by the aboriginal tribes, and the inhabitants of Indo-China. This influence from the South accounts for the two culture areas of China to-day—the North and the South. At the present time China is a political, not a national, nor an ethnical, unit. Ancient China was almost entirely continental, but the sea was known both in myth and in fact in the early times. What they learned of navigation came from sea-bordering peoples.

In earliest times in North China methods of artificial irrigation were perfectly known; also the use of the plow, and the ox, which was sacred. They knew the use of the wheel, which use was unknown by all primitive tribes of Asia. Ancient China had and used the potter's wheel and likened the revolution of Heaven to it.

We know that Ancient China had those culture habits and accomplishments which to-day are the basis of modern civilization. She raised cereals, she domesticated cattle, she used the plow, and she knew how to make and use the wheel. China and Europe are therefore one when we consider the basis of their civilization and culture. Yet, in spite of this, there are one or two striking contrasts. China had milk-producing animals, yet the Chinese people did not learn how to milk these

animals nor did they drink the milk. This may also be said of the ancient peoples of Japan, Korea, and the Malay Peninsula. At the same time the Chinese were surrounded by the milk-using Indo-Europeans, Turks, Semites, Mongols, and Tibetans.

China never used wool, although she had sheep. She never passed through an epic poetry state. Her culture origins, therefore, while being the same as those of the West, were developed separately and differently.

Early China developed in such a way that, while marriage had its religious side and its religious function, the Church never got control of it, and it has always been a matter of civil law. Early marriage was made possible, because of a just economic system which allowed about equal distribution of land among single owners. This, in turn, made for democracy as well as for economic and social equality. Agriculture has always been the foundation of society and has at all times been encouraged and supported by the government. The farmer ranked next to the scholar in the social division.

Because of the division of land, military defeats never made a lasting impression on China, and even the disorder and interstate strife of the later Chou period had no lasting ill effects. Was it for this reason that, while the Huns overran Europe, they made no impression on China, although they were the same Huns? And was it also for this same reason that the Mongols, who trampled Europe and conquered China, were in turn assimilated by China and made Chinese?

The Chinese political philosophy which holds that the power not only to govern but to interpret the will of Heaven rests with the people; that the people must be supported and protected as producers and controllers of the land; that man is by nature good, and, therefore, equal socially; that taxes must come from that which is produced and must never be high enough to destroy production are the theories that have made for Chinese stability and the ability to withstand war, conquest, and anarchy. They are contributions of the Chou period. It should not be assumed that China has always respected these theories in practice, for she has not; but as doctrines they were fundamental from times even before the Chou period and since that time they have been respected as classical ideals. The great thinkers of the Chou period stand out as reformers calling a declining civilization to its senses by

reference to the past. Most of their doctrines are older than they themselves.

The China of the Chou period was not the great empire in extent that China is to-day. Her dominions were then roughly confined to the northern part of the present "Eighteen Provinces." At the beginning of the period the Tartar nations constantly encroached upon what later on became undisputed Chinese territory. The nation did not extend far into the land of the "Man" barbarians toward the south and the southwest. The Yang-tse-Kiang was crossed but the Chou Li describes Yan Chou as being the most distant province, occupying the coast territory north and south of the mouth of the Yang-tse. But by Confucius' time quite an extensive strip of land south of the river had become occupied. The sea, of course, formed the eastern boundary, and a satisfactory one, too, as no fleets approached and the Chinese themselves did not venture forth.

As to population we can make only an estimate, but census-taking was practiced according to the Chou Li and certain vital statistics were noted, especially the percentage of males and females in the various states. The philosopher Kuan Tzu, seventh century B. C. of the state of Tsi, argued for a tax on salt and iron by showing the amount of expected income by presenting in statistical form the number of consumers of salt and users of articles made from iron. In a country of ten thousand chariots he pointed out there must be ten million consumers. This marks the beginning of the salt and iron monopolies and of consumption taxes.

Historically the Chou period may be divided into three parts. The first covers the period during which the dynasty becomes well established and begins to decline. The second, which naturally overlaps the first, covers the rise and development of feudalism. The third covers the period of contending states which gave to China experiences in confederation, leagues, alliances, balance of power, and developed both diplomacy and the art of war. Thus we see that we have nine hundred years of political growth that develops much that the world has experienced in political thought from anarchism to absolutism, and from feudalism to federation.

With the ending of the Chou period and the commencement of the Ts'in Dynasty (249–210 B. C.) we come to the time when an attempt was made to destroy, with some exceptions, the

whole of Chinese literature, as mentioned above, in order that history might begin anew from the reign of the first emperor of United China. The extent of the actual mischief done by the burning has undoubtedly been greatly exaggerated, but, nevertheless, it has tended toward making that which escaped the flames the more important, which, in turn, naturally led to hero worship and to the marking of the age as a golden one. Those things which survived became models for what followed.

But before the time of the great burning there had also been a great destruction of literature. Confucius compiled and preserved what was worth keeping.

Confucius, by setting himself up as a judge of what was good and preserving only that which contributed to Chinese literature, did in a small way what the great burning of books did in a great way. A preserver of that which is good to one generation is probably a destroyer of that which another generation would hail as the best. The responsibility of a censorship or criticism that destroys is indeed great. But Confucius was successful in what he did, for he has been accepted as the supreme judge for 2000 years.

If we may judge from the "Ch'un Ts'iu" (Confucius' "Spring and Autumn Annals of Lu"), provided, of course, we accept the disputed theory that he was the author, Confucius was not a historian at all but a self-confessed propagandist. Every event is tempered to make what happens fit into his scheme of what should happen. The illustrations are many in the "Ch'un Ts'iu" to bear this out. He records an official who is assassinated as dying merely because it is held by the Master wrong to murder, and Confucius does not record the wrong act. A prince is driven from the rule of the state, but to record that fact would be making a record of insubordination, which Confucius does not approve, and which the people should not be taught. An illustration will suffice to point this out.

The "Ch'un Ts'iu"[2] says, "In autumn, in the seventh month on Kwei-sze, duke (Hwan's) son, Ya, died."

Legge's "Notes" says, "Ya died." He was in fact murdered or done to death, and the statement in the text is fashioned to conceal the deed perpetrated. Tso's "Commentary" relates all the incidents connected with the death

[2] "Duke Chwang," Ch. XXXII, No. 3.

of Ya and justifies it as do the other commentaries, so that students of Confucius, in spite of his desires, were properly informed.

When Confucius' state, Lu, suffered defeat, Confucius did not mention it. We get the information from Tso's "Commentary." If, in compiling the "Ch'un Ts'iu," there had been data or information which would have reflected injury to Confucius' native state, he would have concealed the fact out of duty to his native place.

Following this attitude, the later Chinese literature went one step farther and held that all things must stand or fall by Confucius. It was not a matter of what was right or wrong; what was a truth or an untruth. It was what the Master said was right or wrong, true or false. Thus the real tyrant of Chinese civilization had his start and kept control in the Chou period. These models of perfection became curses to growth and development. China has never been blessed, with all her age, with opportunity to breathe or to feel the spirit of the ages. She has really known but one age and has breathed but one spirit, and thus the blessing of her wise men has been her curse. The Chou period, then, stands for the making and the marring of a civilization.

Among the early Chinese there was no sacerdotal or priestly class. There were no recorded revelations from Heaven to be studied and expounded. The head of the clan or the chief of the tribe was also the priest of the clan or the tribe. The emperor acted in the same capacity for the empire, and the prince of the state for his people, as the father for his family.

God figured greatly in the ancient government of China and in the theory of the Chinese political scheme. God was the Ruler—the Supreme Ruler—and at first he seemed to have been personal. Later Heaven became the supreme idea. By God, or Heaven, kings reigned, and princes were forced to rule with justice by the same influence. All were under Heaven's rule and were bound to obey. This same idea will hold for both the great schools of Chinese thought—the Confucian and the school of Lao Tzu.

God put kings on their thrones and God could remove them; therefore the business of a ruler was to reign with benevolence so that the people might be happy and good. When they did wrong, God sent punishments—famine, storms, or calamities. If they did not recognize the warning and per-

sisted in evil, they were removed from power and others were put in their places.

Buddhism, which greatly influenced later Chinese thought, had no place in the Chou period.

It is of great interest to note that in Confucius' compilation of the "Shu King" he left blank two hundred years of the Chou period, and that period was the one to which he belonged. There were seven sovereigns who ruled over the house of Chou during this period and not a single document of these reigns was put in the "Shu King." Documents of this period of two hundred years must, nevertheless, have been many. This fact, thinks Legge, is sufficient to prove that Confucius did not compile the "Shu" as a history of his country or even intend that it should afford materials for such a history. Legge writes:

"His design, we may rather judge, was to bring together such pieces as might show the wonderful virtue and intelligence of sovereigns and statesmen, who should be models, to those of future ages. But in all the space of time of which I am writing, there was neither sovereign nor statesman to whom it could give him pleasure to refer. Indeed, King Woo, the first of the sovereigns of Chou, had no successor equal to himself. But for his brother, the duke of Chou, the dynasty would have come to an early end. There was constant degeneracy after King K'ang. Its progress was now and then temporarily, but freely, arrested. Power and influence passed with a steady progress from the Imperial Court to one form of feudatory and another, till at the time of Confucius himself the successors of Woo were hardly more than shadows of a great name."

Chapter III

THE MEN AND THEIR WORKS

"There is wonderfully little genuine inventiveness in the world, and perhaps least of all has been shown in the sphere of political institutions." [1]

Brief guide to men considered:

Chou Kung, known also as "Tan" and the "Duke of Chou," lived in the twelfth century B. C. and died 1105 B. C. Mencius mentions Chou Kung with Yu and Confucius as being one of the "Three Great Sages." Chou Kung is credited with having compiled the Chou Li and with having invented the mariner's compass.

Chuang Tzu, who lived in the third and fourth centuries B. C., was a Taoist philosopher, mystic, and reformer, and a supporter of the doctrines of Lao Tzu. Politically, he must be considered an anarchist. Books accredited to him are "The Old Fisherman," "The Robber Che," etc.

Confucius was born in the state of Lu about 550 B. C. and died 478 B. C. He was a philosopher, governmental adviser, compiler, writer, and editor of the Classics. The following are spoken of as the Confucian classics:

The Five Canons: "Yi King," "Shu King," "Shi King," "Li Ki," "Ch'un Ts'iu."

The Four Books: "Ta Hsüeh," or the "Great Learning"; "Chung Yung," or "The Doctrine of the Mean"; "Lun Yu," or "Confucian Analects"; "Meng Tzu," or the "Book of Mencius."

Hsun Tzu, a contemporary of Mencius, lived in the third century B. C. He was an exponent of the principles of Confucius, but a critic of Mencius, in that he held that the nature of man is evil.

Kuan Tzu, philosopher and statesman-statistician, established the salt and iron taxes. He lived in the seventh century B. C., and was the Prime Minister of Duke Huan of Tso.

Ku-leang Ch'i was the author of a commentary of the "Ch'un Ts'iu" of Confucius. He lived in the fifth century B. C.

[1] Bryce, "American Commonwealth," p. 34.

Kung-yang Kau was the author of a commentary on Confucius' "Ch'un Ts'iu." He lived in the fifth century B. C.

Lao Tzu, born in the state of Ch'u, in 604 B. C., was Keeper of the Archives of Chou. He was a great Taoist philosopher. The "Tao Teh King" ("Canon of Reason and Virtue") is attributed to him.

Lieh Tzu, a Taoist sage who lived some time before the fourth century B. C., is quoted by Chuang Tzu where he condemns Confucius and the Confucian system. He is considered by some as a creation of Chuang Tzu.

Mencius, born in the state of Lu in 372 B. C., was a political adviser and a great teacher. He was the greatest exponent of Confucianism. His book is considered one of the four books of the Chinese classics. (See under Confucius.)

Mo-ti, who lived in the fifth century B. C., was the philosopher of mutual love. He condemned the state and its officials because both the state and the officials committed acts which they themselves would condemn in the individual. He was an altruist who believed that love could reform society. He was condemned as too impractical by Mencius.

Tso-K'in Meng is thought to have been a disciple of Confucius. He is the author of the "Tso-Chuan" or "Commentary on Confucius' Ch'un Ts'iu."

Yang Chu lived in the fourth or fifth century B. C. His doctrine is the exact opposite to Mo-ti's. He taught that every man should act and live for himself. Yang Chu was a pessimist who thought that life was not worth living and that the only sensible thing to do was to give oneself over entirely to one's desires. He was condemned by Mencius as holding views too extreme.

Lao Tzu

Lao Tzu, was he myth, man, or God? For the purpose of this study it matters not. The words "Lao Tzu" mean "Old Philosopher." It is therefore a title rather than a name. "Li Er" was the real name of the old philosopher.

Lao Tzu was born in the state of Ch'u in 604 B. C., which makes him older by nearly a half century than Confucius. We know of his life principally from the writings of Ssu-Ma Ch'ien who lived in the second century B. C. and Chuang Tzu, one of Lao Tzu's disciples, who lived in the fourth century B. C.

While Lao Tzu and Confucius were, during a period of

their lives, contemporaries, and while both Ssu-Ma Ch'ien and Chuang Tzu tell of their meeting one another, their philosophies are widely different and their schemes of thought have influenced their respective followers in vastly different ways. Lao Tzu's school is one of philosophical speculation and religious mysticism, while the "literati," who make Confucius their model and saint, point to their master's agnosticism and follow his rules of thought and action based upon propriety and good conduct.

Lao Tzu is thought by some to be merely a myth; but there seems to be no reason to doubt the historicity of the person, or the authenticity of his book, the "Tao Teh King" ("Canon of Reason and Virtue"). Myth he may have been; nevertheless, more than once in the history of political thought, theories which have had lasting effects on the governments of man have been founded on ideas no better than myths. This much is certain, myths in abundance have grown up concerning Lao Tzu's life and birth.[2]

Although Confucian philosophy became the guiding star of the Chinese government, Lao Tzu and his thoughts have taken a firm hold on the Chinese mind. Lao Tzu's disciples carried Taoistic mysticism farther than he did. They went so far as a belief in alchemy and in an elixir of life.

Lao Tzu was honored by various emperors through the ages, and in 666 A. D., Emperor Kao Tsung canonized him and gave him a rank among the Gods as the Great Supreme (T'ai Shang), as the Emperor God of the Dark First Cause. In 1013 A. D. Huan Tsun gave him the title of Tae Shung Lao Chiun, "the Great Exalted One, the Ancient Master."

The ethical and religious thought of Taoism has many sentiments in common with Christianity, for example, requiting hatred with goodness, the necessity of becoming like a little child or of returning to primitive simplicity and purity,

[2] His conception was brought about through the influence of a star, and it is claimed that he was the incarnation of the supreme Celestial essence, and that he had repeatedly become incarnate. This, of course, points to Buddhist influences. Lao Tzu was taken from the left side of his mother and his birth took place under a plum tree. As the child was born he pointed to the plum tree and said, "This shall be my name." At birth his head was white and he had the countenance of an aged man. From this comes his name Lao Tzu, which means "Ancient Child" as well as "Old Philosopher." He is said to have wandered the length and breadth of the earth and to have influenced men and places at times so long after his birth that if we believed all that is written about him he must have lived very much longer than an average man or else repeated the process of reincarnation.

of nonassertion and nonresistance, and the promises that the crooked shall be made straight.

The word "Tao" (word, nature, reason) corresponds very closely with the Greek word "logos."

The "Tao" character is composed of the characters "moving on" and "head;" depicts "going ahead;" its original meaning is "way" or "path." It is much like the Greek word from which we get "method" and as such it means "reason," or "the proper way," or "truth." Thought of as "word," Tao equals "logos."

The basis of Lao Tzu's ethics is found in this expression, "Wei Wu Wei," which may be translated, "act non act," or "act without ado," or "act without deceit," do not show or parade yourself, be not egotistic. This is the basis of the nonaction or nonresistance idea.

Lao Tzu's best known sayings are: "Requite hatred with goodness;" "The good I meet with goodness;" "The faithful I meet with faith; the faithless I also meet with faith."

He is against prohibitions and restrictions as they produce disorder; he opposes ostentation; he considers overlearnedness as unwise. He believes that the Tao may be found if sought. He considers the people as children and calls himself a son of Tao.

According to Lao Tzu all maintain their position before society properly by nonassertion. "Everywhere it is obvious that if beauty makes a display of beauty, it is sheer ugliness. It is obvious that if goodness makes a display of goodness, it is sheer badness." [3]

"If Princes and Kings could keep reason, the ten thousand creatures would of themselves be reformed. While being reformed they might yet be anxious to stir, but I would restrain them by the simplicity of the ineffable." [4]

Confucius would have done all things according to rules of propriety, but Lao Tzu says: "The rules of propriety are the semblance of loyalty and faith, and the beginning of disorder." [5]

Lao Tzu's philosophy as applied to government may be summarized as follows: Government must be in harmony with reason or nature, or the whole big scheme of things. Where

[3] "Canon of Reason and Virtue," Ch. 2.
[4] Ibid., Ch. 37.
[5] Ibid., Ch. 38.

that is so, things go well and there is order. The state, then, in its perfect form, is one in harmony with nature, one having rulers who rule in harmony with nature, and one whose goodness is reflected in the people. When nature or reason are not present, society is held together by appeals to virtue. If this fails, then benevolence is resorted to; when benevolence will not bring order, justice is talked about, and men are forced to live in accordance with its decrees. Justice failing, rules of propriety are brought in; but this is merely the next thing to a dependence upon loyalty and faith in leaders which results in disorder. In other words, loyalty, propriety, justice, benevolence, and virtue are all relative terms and not perfect—all are used to bolster up conditions which are recognized as not good. A mere appeal to them is evidence of disorder, and these things all come as a result of a mistake in government due to an act not in harmony with the universal scheme.

"He who possesses virtue in all its solidity is like unto a little child." [6]

"One who knows does not talk. One who talks does not know. Therefore the sage keeps his mouth shut and his sense gates closed." [7] Thus Taoism cannot be reduced to words.

Lao Tzu makes this interesting comment: "Only by becoming sick of sickness can we be without sickness." [8]

"The holy man hoards not. The more he does for others, the more he owns himself. The more he gives to others, the more will he himself lay up an abundance. Heaven's Reason (Tao) is to benefit, but not to injure; the holy man's reason is to accomplish but not to strive." [9]

The followers of Lao Tzu looked upon the Confucian literati in much the same way as Jesus looked upon the Pharisees, learned in, and followers of, the word rather than the spirit.

As we shall suggest in another place, ancient China seemed to recognize progress in man, but Lao Tzu was not in favor of it. He did not believe in progress. He looked backward for the ideal condition. To him that which in his days was called civilization was a mistake.

While we know that the idea of progress as understood to-day was not thought of in Europe until the eighteenth or

[6] "Canon of Reason and Virtue," Ch. 55.
[7] Ibid., Ch. 56.
[8] Ibid., Ch. 71.
[9] Ibid., Ch. 81.

even the nineteenth century, the idea of regress was understood and accepted long before that. It would be an interesting study to investigate the writing and life of Rousseau, for example, to see if such Chinese thoughts as those expressed by Lao Tzu did not influence him. Lao Tzu plainly holds that civilization destroys man's well-being and that it had already destroyed his best estate, and he urges the use of the ancient knotted cord (qui pu) instead of writing for record keeping. "Our souls are corrupted as our sciences and arts advance to perfection." [10] That idea of Rousseau's sounds much like Lao Tzu's.

It is known that intercourse with the East, just as the mingling with the Indians on the American continent, influenced the thought of Europe greatly; but to what extent the bringing in of a doctrine like Lao Tzu's, which confirms belief in natural law, really had influenced thought is not known, but surely the influence must have been great. China and her history are brought into the discussions of the writers of the period.[11] If Lao Tzu, for example, seemed to support Rousseau, we are justified in assuming that Lao Tzu's thought influenced Rousseau, for he uses the history of China along with that of Greece and Rome in making his comparisons.

Rousseau argues, following the "law of history," that morals fall and rise in correspondence with the progress and decline of civilization as regularly as the tides answer to the phases of the moon. And this "law of history" is exemplified by the fortunes of Greece, Rome, and China, to whose civilizations Rousseau opposes the comparative happiness of the ignorant Persians, the Scythians, and the ancient Germans. "Luxury," he continues, "dissoluteness, and slavery have been always the chastisement of the ambitious efforts we have made to emerge from the happy ignorance in which Eternal Wisdom [a splendid translation for Lao Tzu's expression "Eternal Tao"] had placed us." "There is the theological doctrine of the tree of Eden in a new shape," says Bury.[12] I am not prepared to say that that "new shape" was put into Rousseau's mind by Lao Tzu's "Tao Teh King," but it is interesting to note how this thought of ancient China and eighteenth century Europe seem here to merge.

[10] See Rousseau's "Discourse on the Progress of the Sciences and Arts."
[11] See Gettell, "History of Political Thought," pp. 29, 269.
[12] Bury, "The Idea of Progress," p. 179.

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Tao is not just the law of nature, it is nature itself. It is the grand scheme of things. "Before heaven and earth were, Tao was. It has existed without change from all time. Spiritual beings draw their spirituality therefrom; while the universe became what we see it now. To Tao the zenith is not high, nor the nadir low. No point of time is long ago, nobody by lapse of ages has grown old." [13] (To the infinite all terms and conditions are relative.) "The flowers and the birds do not toil, they simply live." That is Tao.

The Chinese are always spoken of as a practical people. Are they practical as a result of the acceptance of the teachings of Confucius and the rejection or rather passive indifference to those of Lao Tzu, or was Confucius accepted because the Chinese were practical? This we do not know.

Confucius

Confucius was born about 550 B. C., in the state of Lu. He was married, in accordance with Chinese custom, at nineteen, and accepted public employment as a keeper of stores, and later as superintendent of parks and herds. At twenty-two, however, he commenced his life work as a teacher, and gradually a group of students, eager to be instructed in the classics and in conduct and government, gathered about him.

Ssu-Ma Ch'ien tells of an interview which Confucius had with Lao Tzu, the founder of Taoism, but it must have been quite unsatisfactory, as the old philosopher did not give Confucius much consideration.

Until after he was fifty Confucius did not enter greatly into public life. At fifty-two he was made Chief Magistrate of the City of Chung-tu, which so throve and improved under his care that the Duke of Lu appointed him Minister of Crime, from which position he received great fame because of the reduction of wrongdoing. Confucius withdrew from the service of Lu, when its Duke lost himself in dissipation. From that time he wandered among the various states, giving instruction as opportunity offered. His disciples, during his lifetime, rose to three thousand, and of these some seventy or eighty were highly esteemed by him. When he set forth on his wanderings, he was fifty-six; it was thirteen years before he returned to Lu.

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[13] Giles' "Chuang Tzu," p. 76.

In 482 B. C., he lost his only son; in 481 B. C., his favorite student, Yen Hwung; and in 478 B. C., Tzu Lu, another of his favorites, passed away; and the same year Confucius himself died at the age of seventy-two. His tomb to this day is preserved and is annually visited by vast numbers of his followers.

Politically, China, before and during the time of Confucius, was a chaos of warring and changing states, in some respects much like medieval Europe. Since the consolidation of the empire under Ts'in Shih Hwangti, China has been held together as a single vast empire, nonmilitary in nature, and in general at peace. The teachings of Confucius have contributed toward this.

Confucius taught that duty to one's neighbor comprises the chief duty of man. Charitableness of heart, justice, sincerity, and fortitude sum up the ethics of Confucius. He knew nothing of the unseen world and he declared that the unknowable had better remain untouched. But he did advise a continuation of a respect for ancient Chinese religion.

"Ch'in" is the personal name of Confucius. It is never uttered by Confucianists, however, the term "a certain one" being usually substituted. Neither is it ever written down except with the omission of some stroke, by which its form is changed.

The "Shu King" ("Book of History") in Confucius' time denoted documents concerning the history of his country from the most ancient times to his own. Since Confucius' time it has meant a compilation of those documents and Confucius is given credit for having made this compilation. This is in reality not a "Book of History," but merely a collection of historical data extending over a space of seventeen centuries.

In this study we are not interested greatly in the men or the writings as such. Their weaknesses and their merits do not interest us. Whether Confucius was a good or a bad historian does not matter. Our one consideration is that the works have been accepted and the influence of them has been great and, as such, they have molded the thought of China. But in considering Confucius and his greatest disciple, Mencius, it surely would not be out of place to point out one outstanding characteristic in which they differ and which is apparent on first reading; that is, that Confucius has more sympathy with power than with weakness; he overlooks weakness and even oppression from those in authority and resents a revengeful

spirit on the part of those who refuse to submit. "He conceives of nothing so worthy of condemnation as to be insubordinate," notes Legge. Hence he was frequently partial in his judgments on what happened to rulers, and unjust in his estimate of the conduct of their subjects. In this respect he was inferior to Mencius. Mencius draws lessons from the "Shu King" and the "Shi King" concerning the different rewards or punishments of Providence, which punishments came as a government cherished or neglected the welfare of its people.

The actual authorship of but one book is ascribed to Confucius, namely, "The 'Ch'un Ts'iu' ("The Spring and Autumn Annals of Lu"). This book is said to have been written by Confucius himself in his seventy-second year, and to have been designed by him to serve as an epitome of his teachings upon ethical, social, and religious subjects. It is in this way that Mencius speaks of it. The book in a different form, known as "The Annals of Lu," was in existence before the time of Confucius, and his task seems to have been to edit and to amplify it. Then we have a collection of conversations with Confucius containing many of his more important sayings, as gathered together by his disciples after his death. These are known as the "Analects." Confucius edited several important books or collections of books which were already regarded as classics before his time.

In this study I have used all the so-called Confucian classics, and therefore it will be of advantage to list them. The classics are divided into two classes, and have at various times in Chinese history been arranged differently from the way in which they are listed here and have contained other books besides these given. The classics are spoken of to-day as the Five King (Canons) and the Four Shu (Books).

The Five King are:

1. The "Yi King," or "Book of Changes." This book contains the elaborated interpretation of the Sixty-four Hexagrams ascribed to Wen Wang and the Duke of Chou. It is a detailed application, by means of these Hexagrams, of the Chinese philosophy of opposites, of the Whole and Broken lines, the Yang and the Yin, the male and the female, and the strong and the weak.

2. The "Shu King," or "Book of History." It consists of fragmentary records of events extending from the time of Yao and Shun, 2400 B. C., to 619 B. C.

3. The "Shi King," or "Book of Poetry." This is a collection of over three hundred poems. For the most part they are all poems of the Chou period, but a few are said to be as old as 1800 B. C.

4. The "Li Ki," or the "Book of Rites," is a book of ceremonies and rites.

5. The "Ch'un Ts'iu," or "The Spring and Autumn Annals," is a history of the state of Lu.

The Four Shu are:

1. The "Lun Yu," or the "Analects." These are dialogues of Confucius with his disciples.

2. The "Meng Tzu," or the "Book of Mencius." It contains the sayings of Mencius.

3. The "Ta Hsüeh," or the "Great Learning." This is a short outline of Confucian ethics; it outlines the process by which man becomes first the sage and then the ruler.

4. The "Chung Yung," or the "Doctrine of the Mean." This book was compiled by Kung Ki, a grandson of Confucius.

Mo-ti

Mo-ti of Sung lived during the fifth century B. C. (450 B. C.). He taught that all evils arise from lack of mutual love. He was condemned by Mencius as preaching a doctrine too idealistic to be of service to the state. Mo-ti's philosophy is founded upon the idea of universal good will and he insists that the principle is one both for men in their dealings with men and for the state in its dealings with the people and that if it is adhered to it will prove successful in all cases. But to Mencius, Mo-ti's universal good will ran into the danger of deluding the people, in that it might put a stop to the Confucian teachings of benevolence and righteousness according to prescribed rules. That Mencius successfully blocked the teachings of Mo-ti, Chinese history proves. Mo-ti's doctrine was not liked by those who supported the state and the people who recognized wealth and social order. In fact, he himself said that what he taught the rulers did not like. He insisted upon the state being a thing of morality and that the state should treat individuals and other states in accordance with the moral laws of universal good will. His doctrine, simply put, is that love begets love, and hate begets hate, and that man by nature is just and will respond to justice with justice. He opposed

war-making; he was a supporter of democracy, in that he recognized the worth of the lowly; and he held to the idea of natural law that Heaven ruled the universe and would finally punish wrongdoing. From the standpoint of politics, Mo-ti must be considered as one who was opposed to the state as it was, and who stressed the idea of the moral responsibility of the state and the prince to the extent that he actually condemned the state. He showed that the practice which forgave a state for killing and stealing, but condemned an individual for doing the same thing, was wrong. This made Mo-ti such a critic of the state that he was dangerous in the sight of rulers and the doctrinaires who respected law and order. The individual who acted immorally was bad; the state which did the same thing was wicked. As Mo-ti saw in the state and its officials, as they existed in his day, preservers of false standards, he therefore condemned them. To condemn the state was more than Mencius could stand.

Chuang Tzu

Chuang Tzu belongs to the third and the fourth centuries B. C. He lived in the feudal and unsettled age of the later part of the Chou period at a time when China was split up into a number of states owing a nominal allegiance to the royal and wealthy House of Chou.

The historian Ssu-Ma Ch'ien (second century B. C.) says that Chuang Tzu was a native of Meng which was in the modern province of An-hui. He was a petty official in Meng. His learning was said to be great and varied, but he based his chief doctrines and ideas upon the sayings of Lao Tzu. He followed the allegorical style and his teachings were visionary and imaginative. While his criticism was such that scholars could not dispute him, rulers and ministers could not apply his teachings because of their indefiniteness.

Ssu-Ma Ch'ien says: "Prince Wei of the Ch'u state, hearing of Chuang Tzu's good report, sent messengers to him bearing costly gifts, and inviting him to become Prime Minister. At this Chuang Tzu smiled and said to the messengers, 'You offer me great wealth and a proud position indeed; but have you never seen a sacrificial ox? When, after being fattened up for several years, it is decked with embroidered trappings and led to the altar, would it not willingly then change places with

some uncared-for piggling?—Begone! Defile me not! I would rather disport myself to my own enjoyment in the mire than be slave to the rule of the state. I will never take office. Thus I shall remain free to follow my own inclinations.'" [14]

Against Confucius' teachings, all practical and worldly, Chuang Tzu raised a powerful cry. He supported the idealism of Lao Tzu against the materialism of Confucius. He failed in his efforts, of course, because the Chinese remained faithful to their practical and material master.

While Chuang Tzu appears chiefly as a disciple of his master, Lao Tzu, he extended the system and carried his own speculations into regions never dreamed of by Lao Tzu. Still, it may be that Chuang Tzu is the father of much that he gives Lao Tzu credit for.

Chuang Tzu's text as it now stands consists of thirty-three chapters. These are a reduction from fifty-three, which appear to have been in existence in the fourth century A. D., according to Giles, who cites Wen-Chih as authority. There is much dispute over what he wrote and much attributed to him is said to be spurious.

Giles, in making his translation, has used the various editions of Chuang Tzu covering periods from the Tsin to the Ming and Ch'ing dynasties (from the third to the seventeenth century A. D.). These editions are of different schools of thought; therefore, in the Giles translation, we probably have a better opportunity to study Chinese Taoist thought than if we followed a single Chinese authority.

"Chuang Tzu," writes Professor Giles, "it must be remembered, has been for centuries classed as a heterodox writer. His work was an effort of reaction against the materialism of Confucian teachings. And in the course of it he was anything but sparing of terms. Confucius was dealt with in language which no modern literate can approve. But the beauty and the vigor of the language are facts admitted by all. He is constantly in the great standard lexicon which passes under the name of Ka'ng Hsi.

"But no acquaintance with the philosophy of Chuang Tzu would assist the candidate for honors at the competitive examinations which are the portals to official place and power. Consequently, Chuang Tzu is studied chiefly by older men, who have retired from office or who have been disappointed

[14] Giles, "Chuang Tzu," Introduction, p. vii.

in their careers. Those too who are dominated by a religious craving for something better than mortality find in his pages much agreeable solace against the troubles of this world, with an implied promise of another and a better world to come." [15]

While to the Chinese his world had always been a limited one it was limited only in relation to the whole universe, for he did have the conception of relativity and of infinite time and space.[16]

"Once upon a time, I, Chuang Tzu, dreamt I was a butterfly, fluttering hither and thither, to all intents and purposes a butterfly. I was conscious only of following my fancies as a butterfly, and was unconscious of my individuality as a man. Suddenly, I awaked, and there I lay, myself again. Now I did not know whether I was then a man dreaming I was a butterfly or whether I am now a butterfly dreaming I am a man. Between a man and a butterfly there is necessarily a barrier." [17] This shows how one may appear to be either of two.

Chuang Tzu believed in immortality of the soul. "The Master (Lao Tzu) came because it was his time to be born; he went, because it was his time to die. For those who accept the phenomena of birth and death in this sense lamentation and sorrow have no place. The ancients spoke of death as of God cutting down a man suspended in the air. The fuel is consumed, but the fire may be transmitted, and we know not what comes to an end." [18]

"Not to run counter with the natural bias of things, is to be perfect." Chuang Tzu holds that this should apply to both man and government.

Chuang Tzu did not like Confucius nor his teachings. He even predicted that his teachings would die and his followers become few. He puts these words into the mouth of Shih Chin, who, when asked what he thought of Confucius, replied, "Alas! he is not a success—his tree (under which he taught) has been cut down in Sung; they will have none of him in Wei; in fact his chances among the Shungs and the Chous are exhausted." [19]

Chuang Tzu was a keen observer of human nature and of

[15] Giles, "Chuang Tzu," Introduction, p, xiv.
[16] See Chuang Tzu's "Transcendental Bliss," p. 1, note, the flight of the Leviathan
[17] Giles, "Chuang Tzu," p. 32.
[18] Ibid., p. 36.
[19] Ibid., p. 180.

the world as it passes. "As to what the world does and the way in which people are happy now, I know not whether such happiness is real happiness or not. The happiness of ordinary persons seems to me to consist in slavishly following the majority, as if they could not help it. Yet they all say they are happy." [20]

For the man who understands the laws of nature it is not only useless but also not in accordance with good sense to weep over those laws. "Life and death are as day and night, and while you and I stand gazing at the evidences of mortality around us, if the same mortality overtakes me why should I loathe it?" [21]

Chuang Tzu taught that the master taught, "When you go into the world, follow its customs."

Lin Hsi-Chung of the Ming and Ch'ung dynasties, one of the commentators of Chuang Tzu, said, "There was no one in all Chuang Tzu's generation who could understand him; neither is there any one now at this late date, any more than there was then." [22]

Chuang Tzu constantly used incidents which not only point out the shallowness but also the artificiality of the system of Confucius. Confucianists seemed to him always ready to commit any outrage on the natural feelings, so long as there is no violation of the details of their rules of propriety and proper conduct.

Said Lao Lai Tzu to Confucius at one time, "Ch'in, get rid of your dogmatism and your specious knowledge, and you will be really a superior man!"

Chuang Tzu's idea of Confucius is well represented by the words he puts into the mouth of the Robber Che in speaking of Confucius, "Go, tell him from me that he is a mere word-mongerer. That his lips patter and his tongue wags, that his rights and wrongs are his own coining, whereby he throws dust in the eyes of rulers and prevents the scholars of the empire from reverting to the original source of all things: That he makes a great stir about filial piety and brotherly love, glad enough himself to secure some fat fief or post of power. Tell

[20] Giles, "Chuang Tzu," p. 222.

"The general average of mankind are not only moderate in intellect, but also in inclinations; they have no tastes or wishes strong enough to incline them to do anything unusual." Mill's "Essay on Liberty."

[21] Ibid., p. 224.

[22] Ibid., p. 322.

him that he deserves the worst, and that if he does not take himself off his liver shall be in my morning stew." [23]

In the "Old Fisherman," Confucius asks the old fisherman if he cannot live with him and learn his doctrine. "I have heard," replied the old man, "that if a man is a fit companion one may travel with him into the uttermost depths of Tao. But that if he is not a fit companion, and does not know Tao, one must avoid his company, that no harm may befall. Excuse me, I must leave you." [24]

When Chuang Tzu was about to die, his disciples expressed a wish to give him a splendid funeral. But Chuang Tzu said, "With Heaven and Earth for my coffin and shell; with the sun, moon and stars as my burial regalia; and with all creation to escort me to the grave, are not my funeral paraphernalia ready at hand?"

"We fear," argued the disciples, "lest the carrion Kite should eat the body of our master," to which Chuang Tzu replied, "Above ground, I shall be food for Kites; below I shall be food for mole, crickets, and ants. Why rob one to feed the other?" [25]

Lieh Tzu

"Our master, Lieh Tzu, dwelt on a plot of ground in the Cheng State for forty years and no man knew him for what he was." [26] To this day there is much that is uncertain about Lieh Tzu. As a Taoist sage who could "ride on the wind," he figures in Chinese art and literature. He is prominently featured in the pages of Chuang Tzu. His writings, which some consider as forgeries, are strong in their opposition to the Confucian system, but as they are not so harsh in their denunciation of Confucius as are Chuang Tzu's, some authorities claim that they were produced by his immediate disciples and were in existence before Chuang Tzu's time. Lieh Tzu is a master of anecdote and a splendid story-teller. He is

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[23] Giles, "Chuang Tzu," p. 389.

[24] Ibid., p. 420.

[25] Ibid., p. 435. When Diogenes asked to be left unburied, his friends objected that he would be eaten by dogs and birds.

"Place my staff near me," he said, "and I will drive them away."

"How can you manage that?" inquired the friends, "you will not be conscious."

"What then will it matter to me to be torn by beasts," cried Diogenes, "if I am not conscious of it."

[26] Giles, "Taoist Teachings," p. 1

always sympathetic with the aged, the humble, and the poor. He lived some time during or before the fourth century B. C.

Mencius

Mencius was born about one hundred years later than Confucius in the same state of Lu, now Shantung Province. He lost his father in his childhood as Confucius did, and was educated by his mother, who is known as the model for Chinese women. Many stories are told about how she taught her son. He was from a very poor family of the educated class, as is commonly the case with great Chinese scholars. Mencius had numerous disciples and followers and traveled extensively in different states as Confucius had done. Both Confucius and Mencius served in the government a very short period of their lives.

The aim of Confucian teaching is inwardly to be a sage and outwardly to be a ruler, and we perceive exactly the same in the teaching of Mencius. "The Book of Mencius"[27] can be viewed from these two points: it deals with the perfect virtue of a true scholar on the one hand, and the imperial sway of an all-under-heaven empire on the other.

The typical example of perfect virtue according to Mencius was Confucius. He mentioned all the other sages in Chinese history saying, "Some had but a part of the qualities of the sage, some had all the parts but in a small proportion; only Confucius was the one example of great completion. . . . He was the timeous sage. . . . From the birth of mankind till now there never has been another Confucius." He said also, "What I wish to do is to learn to be like Confucius. . . . Although I could not be a disciple of Confucius himself, I have endeavored to cultivate my virtue by means of others who were."

Mencius believed positively that human nature is good, or, at least, is constituted for the practice of what is good. There are four principles of goodness, according to Mencius, namely, benevolence, righteousness, propriety, and knowledge. All of these are furnished within a man from the beginning. But, it is said, "Seek and you will find them; neglect and you will lose them." The first important task is, therefore, to seek them and to hold them. It is also said,

[27] All quotations given in these paragraphs are from "The Book of Mencius."

"The carrying out of a kind feeling is sufficient to protect all within the four seas. By not doing so, one may not be able to preserve his own four limbs." The second important task is then to practice these principles and to develop them to their utmost extent. "The issue of these principles is like that of fire which has begun to burn or that of a spring which has begun to flow."

Mencius was the first to state that human nature is good. When Confucius discoursed about human nature, he said simply that "by nature men are nearly alike; by practice they get to be apart." No opinion was ever given by him as to whether it is good or evil in origin. Mencius, though he had not spoken of the origin of human nature, declared: "The tendency of man's nature to be good is like that of water to flow downwards. By striking water you may cause it to leap up; but such movement is not according to the nature of water. It is the force applied which causes it. When men are made to do what is not good, their nature is dealt with in this way." He explained this again by another example, thus: "The principles of our nature and the determination of righteousness are agreeable to our mind as the flesh of grass and grain-fed animals is agreeable to our mouth."

Of the above stated four principles, Mencius laid emphasis on the first two, benevolence and righteousness. "Benevolence is man's mind, and righteousness is man's path" was his belief. Benevolence especially is often mentioned and regarded as the root of all virtues.

In that Mencius believed that human nature is good, so he believed that everybody possesses the same quality as a sage does and may become a sage through practicing and developing the principles of goodness in him. He said: "The Emperor Shun was but a man and I am also a man. . . . He who exerts himself will also become such as Shun was." Again, "Do you wear the clothes of the Emperor Yao, repeat the words of Yao, and do the actions of Yao, and you will just be a Yao." But, to the contrary, Mencius said: "That whereby man differs from the lower animals is but small. The mass of people cast it away, while the superior men preserve it." It is evident here that, although Mencius disagreed with the doctrine that man is of an evil nature, yet he recognized that man will not be finally good unless he works along the lines of goodness. With Mencius the idea of an

imperial government was of the same type as that of the Emperors Yao and Shun.

Mencius realized that all exercises of individual and social morality can be taught only after the economic condition is well adjusted. "They are only men of high education who without a certain livelihood are able to maintain a fixed mind." Said he, "As to the people, if they have not a certain livelihood, they will not have a fixed mind." The chief method of regulating the livelihood of the people by Mencius was the public land system. According to him, every citizen would receive from the government a certain number of acres of land for cultivation, from the production of which he could easily support his family. The government collects taxes only from the products of the land. He advocated a public school system. Three types of schools should be established by the national and local governments. All citizens should be compelled to go to school and should receive equal education regardless of their position in life or their wealth.

Chinese philosophers were antimilitaristic. Mencius was a strong teacher in this respect. He lived in the time which is known as the "Contending States Period," when independent powers competed with one another. Mencius scored this warlike spirit as "leading on the land to devour human flesh," and that "there has never been a good war, though some may be considered as being better than others. . . . Those who are skilled in fighting should suffer the highest punishment. . . . Even if they should succeed in their way to conquer the whole empire, yet they could not retain it for a single day." He allowed, however, the use of force in self-defense and he taught the use of force in destroying an oppressor. To save the people from disorder and disaster should be the sole aim in both cases.

The period of the "Contending States" is marked in Chinese history as a period of free thinking. The ancient imperial teaching or state religion was broken up with the near downfall of the central government of the Chou Dynasty. Many different schools of philosophy were found in Mencius' time, and were criticized by him. We find in "The Book of Mencius" two great opposing schools. One may be called "egoism," led by Yang Chu, and the other, "altruism," led by Mo-ti. Mencius opposed these, for they were each one-sided. There were other schools, such as those of Hsu Hsing,

an anarchist, who taught that government and money were unnecessary if all would work on the land; of Chen Chung, another anarchist, who was known for his self-denying purity; of Kao Tzu, a Confucian who differed from Mencius in believing human nature is different from good or evil. Another school was led by Hsun Tzu, who held that human nature was originally evil; by education only was it made good. There are some statesmen such as Sung Keng, who devoted himself to an interstate peace movement, and Pai Kuei, who worked to bring down taxation to its lowest limit. Both were disputed by Mencius. Mencius explained himself by saying: "I am not fond of disputing; I am compelled to do it for rectifying human thought."

We learn about Mencius from his work. He is publicly recognized and honored as the perfect philosopher after Confucius and as the "Second Sage." His service to Confucius is as that of Chuang Tzu to Lao Tzu or that of St. Paul to Jesus. None of these three were direct disciples of their masters; but they were each of equal importance to their schools as the founders.

Mencius was a true scientist. But Chinese did not follow his advice in attempting to discover how things work. Mencius, however, practiced what he taught. He drew ideas of government from his study of man and society.

Mencius and Confucius, like Machiavelli, were baffled in their hopes of doing service in their states. The lack of commendation paid them is undoubtedly responsible for their work and for their attitude toward government and rulers.

For the purposes of the study, I think that I have given sufficient information concerning the following: Yang Chu, Chou Kung, Hsun Tzu, Kuan Tzu, Tso-K'in Ming, Kung-Yang Kau, and Ku-liang Ch'i, all of whom are mentioned in the brief guide to men at the opening of this chapter.

Chapter IV

THE STATE

"The Universal Good."

The "Doctrine of the Mean" opens thus: "What Heaven has conferred is called 'the Nature'; an accordance with this nature is called the Path of Duty; the regulation of this path is called 'Instruction.'"[1]

Man, therefore, is part of nature; that which he does in accord with this nature is his duty in life; his education consists in getting in harmony with nature.

The Chinese state is a real, actual, concrete one. It includes all nature. It is universal, and it becomes the sole expression of both Heaven and earth. The unity which Catholicism affirms for its one church universal, the Chinese idea asserts of its one state universal; but the existence of the state is in no way based upon revelation, as was the Christian idea; its existence is a matter of concrete fact; it simply exists. It is exclusive, for while there may be elements outside it, those elements are not part of "what Heaven has conferred," because they are not in harmony with nature. The Chinese state working in its perfection is the actual and inviolable unity between the nature of man and the nature of the world.[2]

Confucius and his school, as noted by the above quotation, bring man in perfect conjunction with nature by instruction and proper organization of the government of the state. Chuang Tzu and the followers of Lao Tzu hold that Confucian rules and Confucian model rulers have destroyed the proper harmony and man and his nature are both ruined by rules of propriety and man-made instructions. "To govern

[1] "Doctrine of the Mean," Ch. 1.

[2] "It is the enduring and glorious merit of Hegel, and perhaps his greatest service to the science of thought, that he recognized in the state at once the objective realization of moral ideas and their noblest manifestation,—that he introduced into the science of ethics a discussion of the relation of the individual to the state. But, reasoning from entirely different premises, noted works of Christian ethics have come to the same conclusion, and have made the state, rather than the church, the organ for the fulfillment of the moral ideals of mankind." Ruemelin, "Politics and Moral Law," p. 74.

the people is the affair of Heaven."[3] "When one desires to take in hand the empire and make it, I see him not succeed. The Empire is a divine vessel which cannot be made, one who makes it mars it, and one who takes it loses it."[4]

Both these opposing schools hold nature as real, man as real, the state as real, and the Heaven-controlled state as real. And in a childlike way this real Heaven-controlled state is universal in the thoughts of both schools. Therefore, that which is in harmony with nature is good and that which is not is bad. Thus morality is ever present and also real.

According to Chinese thought the state is coextensive and identical with nature[5] and in a sense that nature was always Chinese, or, stated in another way, according to Chinese philosophy of government, there was always China and there were always Chinese. According to the Chinese mind, man was never outside a true cosmic order; his relations to that order are inherent, obvious, and known from the beginning. As we shall show elsewhere a development of man is noted and something akin to progress hinted at, but man was always capable of thought, though his thought kept him within this world; therefore, it is well to repeat that, so far as the Chinese philosophy of government was concerned, there always was this world, there always was China, and there always were Chinese. The Chinese mind does not go outside this world bounded in this childlike manner. That which is is, and beside it there is nothing. The state, therefore, is that which is, and which has been, and which always will be the same. For if the state and nature are coexistent and identical, then, since nature does not change, the state surely will not. The political structure, no matter how imperfect it may have been, has always sought to unite itself as a part of the greater whole and, as its appeal has always been to nature for its authority, it has remained constant and stable at least to that extent.

The ancient Chinese doctrine of the state reached its climax with the idea that China and her civilization were

[3] "Canon of Reason and Virtue," Ch. 59.

[4] Ibid., Ch. 29.

[5] This thought will probably aid the reader in getting my point. We have in the Chinese a civilization which thinks in the terms of human experience, for example, Sin-jon, the Prometheus of China, does not steal fire from the gods and bring it to man. He discovered the fiery element by looking at the stars and he learned how to make fire from having watched a bird producing sparks when pecking a tree. Given the example he rubbed two pieces of wood together, created fire, and this secret of nature became part of man's knowledge.

identical with the world of civilization and culture and that she existed as a universal unlimited empire surrounded by barbarians. This political philosophy which divided the peoples of the world into Chinese and barbarians persisted even until recent times, and this idea was one of the contributing factors which made relations with the outside world so difficult when Europe and America began knocking at China's door.

China, as one of a sisterhood of nations, or as a member of the society of nations, is a conception which modern conditions has forced upon China. Therefore, republican China, which is, and which will develop, a new nationalistic culture, marks a complete break with the past in the concept of the state. From the standpoint of the constitution, this break occurred with the organization of the "Wai-Wu-pu," the "Board of Foreign Affairs," and in granting to this board the first rank among the Departments in 1901.

The Chinese political system following the "Shu King" gives universal meaning to the family: "The Commencement is in the family and State; the consummation is in the Empire." [6] Patriarchalism is, therefore, the earliest social expression.

To Confucius the state was an enlarged family, and the relations of the individual to the state were based upon the proper relations between members of the family.

"What is meant by, 'In order rightly to govern the State, it is necessary first to regulate the family,' is this: It is not possible for one to teach others, while he cannot teach his own family. Therefore, the ruler, without going beyond his family, completes the lessons of the State. There is filial piety:—therewith the sovereign should be served. There is paternal submission:—therewith elders and superiors should be served. There is kindness:—therewith the multitude should be treated." [7]

"From the loving example of one family, love extends throughout the state; from its courtesy, courtesy extends throughout the state; while the ambition and perverse recklessness of one man may plunge the entire state into rebellion and disorder." [8]

Thus to Confucius the state is personal. Its control is

[6] "Shu King," Pt. IV, Bk. IV.
[7] "Great Learning," Ch. IX.
[8] Ibid., Ch. IX.

personal. The natural relations of the family group should be the natural relations between groups in the state, but the state is controlled by ethical ties.

From the "Li Ki," Bk. XXIV, 8, we learn:

"Husband and wife have their separate functions; between father and son there should be affection; between ruler and minister there should be strict application to their respective duties. If their true relations be rightly discharged, all others will follow."

Government is ethical,[9] "To govern means to rectify."[10] "When the ruler does right, all men will imitate his self-control."[11]

Mencius is in agreement with this. "When right government prevails in the Empire, men of little virtue submit to those of great virtue and men of little worth to those of great worth. When bad government prevails in the Empire, men of little power submit to those of great power and the weak to the strong. Both are in accord with divine laws."[12]

Here we see a hint that virtuous government may continue without force, but in bad government force is the only contributing influence.

Government is for the benefit of those who are governed.

"The Master said, 'Good government obtains when those who are near are made happy and when those who are far are attracted."[13]

Mencius holds that "the people are the most important element, the sovereign, least important."[14]

The "Li Ki" quotes the "Book of Poetry" as saying that government is fraternal and parental, rather than paternal, thus: "The happy and gracious sovereign is the father and mother of the people" (Bk. XXVI, 1). Mencius makes the happiness of the people the great object of government.

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[9] "Aristotle, by contrast, combines economics, politics, and ethics. He considers the nature and function of the family before he takes up the forms of the state. He then moves to the subject of property in its human relationship and considers the limits of communism and individualism. He rejects the former as impossible, but he tells us that 'poverty is the parent of revolution and crime.' At no time does he lose sight of ethics. The aim of the family and of property, as of the state, is the best life." Beard, "Economics Basis of Politics."

[10] "Analects," Bk. XII, Ch. 17.

[11] "Li Ki," Bk. XXIV, 7.

[12] "Mencius," Bk. IV, Pt. I, Ch. 7.

[13] "Analects," Bk. XIII, Ch. 16.

[14] "Mencius," Bk. VII, Pt II, Ch. 14.

Paternal government alone is not sufficient. Mencius understands that government, to be lasting, must rest upon a sound economic condition.

"Therefore an intelligent ruler will regulate the livelihood of the people so as to make sure that, above, they shall have sufficient wherewith to serve their parents, and, below, sufficient wherewith to support their wives and children; that in good years they shall always be abundantly satisfied, and that in bad years they shall escape danger of perishing. After this he may urge them, and they will proceed as to what is good, for in this case the people will follow after that with ease."[15]

This is the theory which is back of the great government experiment stations and bureaus of aid and research in the United States, and Mencius saw the results as a farsighted statesman.

"Now, if your majesty will institute a government whose actions shall all be benevolent, this shall cause all the officers in the empire to wish to stand in your majesty's court, and the farmers all to wish to plough in your majesty's fields, and the merchants both travelling and stationary, all to wish to store their goods in your majesty's market places, and travelling strangers all to wish to make their tours on your majesty's roads, and all through the empire who feel aggrieved by their rulers to wish to come and complain to your majesty. And when they are so bent, who will be able to keep them back?"[16]

"Let benevolent government be put in practice and people will be delighted with it, as if they were relieved from hanging by their heels."[17]

"If the people have plenty, their prince will not be left to

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[15] "Mencius," Bk. I, Pt. I, Ch. 7. Mencius is very close in his reasoning here to many of the great thinkers of the West. I may with profit point to some examples.

Aristotle looked upon the proper distribution of wealth as a factor in controlling the form of the state. Revolutions to him were contests between those who had and those who had not property. Those who had too much would not submit to authority and those who were without the necessities were degraded and could not properly function as persons in the state.

Machiavelli warns the prince that out of the contest between classes political power springs and it sustains itself by maintaining a proper balance or using one class against the other.

Harrington maintained that political power followed property, and that it was the function of the statesman to see that property is not too narrowly concentrated, and that a substantial landed class makes for stability in the state.

[16] "Mencius," Bk. I, Pt. I, Ch. 7.

[17] Ibid., Bk. II, Pt. I, Ch. 1.

want alone. If the people are in want, their prince will not be able to enjoy plenty alone."[18]

Evil conditions are due to corrupt and incompetent administrators who seek office to profit and enjoy themselves. It is right government that is ever on Confucius' mind: "When right principles prevail in the empire, there will be no controversies among the common people."[19] By giving strong emphasis to ethics is the way the Confucian state theory is worked out. But did Confucius really understand his state to be merely this? For the practical purposes of everyday government, yes, but Confucius went further and developed his state from a state-of-nature period which was even beyond the government of the model emperors in perfection.

There can be no doubt but that Confucius looked back to an ideal state of nature. "When the Grand Course was pursued" was a period that he called the "Grand Union" or "Grand Course." It referred to a time when a "public and common spirit ruled all under the sky."

"Formerly Kung-ni was present as one of the guests at the Ka sacrifice; and when it was over, he went out and walked, looking sad and sighing. What made him sigh was the state of Lu. Yen Yen was by his side, and said to him, 'Master, what are you sighing about?' Confucius replied, 'I never saw the practice of the Grand Course, and the eminent men of the three dynasties; but I have my object (in harmony with theirs).'

"When the Grand Course was pursued, a public and common spirit ruled all under the sky; they chose men of talents, virtue, and ability; their words were sincere, and what they cultivated was harmony. Thus men did not love their parents only, nor treat as children only their own sons. A competent provision was secured for the aged till their death, employment for the able-bodied, and the means of growing up to the young. They showed kindness and compassion to widows, orphans, childless men, and those who were disabled by disease, so that they were all sufficiently maintained. Males had their proper work, and females had their homes. (They accumulated) articles (of value), disliking that they should be thrown away upon the ground, but not wishing to

[18] "Analects," Bk. XIII, Ch. 9.
[19] Ibid., Bk. XVI, Ch. 2.

keep them for their own gratification. (They laboured) with their strength, disliking that it should not be exerted, but not exerting it (only) with a view to their own advantage. In this way (selfish) schemings were repressed and found no development. Robbers, filchers, and rebellious traitors did not show themselves, and hence the outer doors remained open, and were not shut. This was (the period of) what we call the Grand Union.

"Now that the Grand Course has fallen into disuse and obscurity, the kingdom is a family inheritance. Every one loves (above all others) his own parents and cherishes (as) children (only) his own sons. People accumulate articles and exert their strength for their own advantage. Great men imagine it is the rule that their states should descend in their cities and suburbs strong and their ditches and moats secure. The rules of propriety and of what is right are regarded as the threads by which they seek to maintain in its correctness the relation between ruler and minister; in its generous regard that between father and son; in its harmony that between elder brother and younger; and in a community of sentiment that between husband and wife; and in accordance with them they frame buildings and measures; lay out the fields and hamlets (for the dwellings of the husbandmen); adjudge the superiority to men of valour and knowledge; and regulate their achievements with a view to their own advantage. Thus it is that (selfish) schemes and enterprises are constantly taking their rise, and recourse is had to arms; and thus it was (also) that Yu, Tan, Wan, and Wu, King Khang, and the Duke of Kau obtained their distinction. Of these six great men every one was very attentive to the rules of propriety, thus to secure the display of righteousness, the realization of sincerity, the exhibition of errors, the exemplification of benevolence, and the discussion of courtesy, showing the people all the normal virtues. Any rulers who did not follow this course were driven away by those who possessed power and position, and all regarded them as pests. This is the period of what we call Small Tranquillity!" [20]

Thus we see that Confucius saw an ideal state of nature, but it was not a governmentless time. Rulers were chosen for their abilities and for their talent. It was a time of true justice and of good men, both rulers and ruled. That that

[20] "Li Ki," pp. 364-367.

state had passed and was not in Confucius' then present is shown by his description of government as it then existed. (Note above paragraph.)

He does not condemn the "Small Tranquillity" which referred to government as it should be in his day, but it is not ideal; nevertheless, it does render good government when the rulers are worthy, and it has his support. He makes a definite contrast between the present and the past, or the present and the ideal. The present condition is rendered feasible by observance of the rules of propriety. These rules merely represent the ways of Heaven,[21] and it is by them that men may approach the ideal.

If, by the rules of propriety, which are the ways of Heaven, rulers may be guided back to the "Grand Union," then the present government was merely typical of the ideal. Let us, for one moment, put this ideal "Grand Course" into the future, and we are justified in so doing because the hope for its return made it a future as well as a past thought with Confucius. If that is done I think we are justified in pointing to this "Grand Course" or "Grand Union" as the Utopia of Confucius. That Confucius puts the "Grand Union" outside the time of history there can be no doubt, because he mentions no rulers during the period. Then, too, I think we are justified in considering the "Grand Union" as either a Utopia or an ideal state of nature, because of other very striking contrasts to Confucius' ordinary ideals for the state as it existed. Confucius recognized royal monarchial government as proper. He set the five social relationships with their moral responsibilities as, ruler and subject, father and son, elder and younger brothers, husband and wife, friend and friend. These in the "Grand Union" are swept aside. The individual stands out as an independent unit; even national states, and with them war and the need for defense, are done away with. Hereditary relations are things of naught and men are selected for their talents and as they merit. Men and women are not even bound by the tie of marriage, and, with that tie broken, family relations cease to be. That which remains is an ideal friendship. But two classifications remain—sex and age. Absolute equality does away with all distinctions, and natural love rules all.

Thus the name of Confucius must be added to the list of

[21] "Li Ki" VII, Secs. 1, 4.

Utopia dreamers. His Utopia was a state founded upon an idea not greatly different from a state which recognized the command "love thy neighbour as thyself" as a fundamental principle. In addition ideas similar to many conceptions put forth in Plato's Republic may be found. For, had Confucius used Plato's words, "One whole government consists in imitation of a most excellent and virtuous life," they would have been completely consistent with the Chinese aim.

If we judge Confucius by his "Grand Union," we cannot help but note how close he and Chuang Tzu, two leaders of absolutely opposite schools of thought, are in China. Government is the destroyer of the ideal state," says Chuang Tzu. "Proper government will lead us back to the ideal state," says Confucius. "The rules of propriety are things to be condemned" teaches Chuang Tzu. "They are representations of Heaven's ways," says Confucius. But the state of nature is the ideal of both. From this we see that the state which Confucius praised, that of the model rulers, was not the ideal one. The "Grand Union" was better. But if we consider the "Grand Union" as a Utopia, a hope for an ideal future, we may see in Confucius a firm belief in the development of mankind through proper instruction from a poorer to a better condition. This is consistent with Confucian ideals. Man beginning in a state of poor surroundings and improper instruction, but with nature good, would be the first step in his development; the second, his condition under the model rulers and during the times of the "Small Tranquillity" with the rules of propriety properly functioning. But beyond this there is another step, the "Grand Union." That should be man's aim and that is the ideal hope toward which Confucian teachings will lead.

In Mencius we do not look for the actual creation of an ideal state. As a follower of Confucius and as a reformer of the unsatisfactory conditions which surrounded him, his appeal was to the rulers of his time to administer their states with sound moral and ethical principles. He accepts the governments of Yao and Shun as paragons of perfection, and, therefore, without classification, he seems to accept the royal order which Confucius speaks of as the "Small Tranquillity" as being satisfactory in form. This political system which Mencius praised so highly is the one founded upon the "Canon of Shun," which I have said in the Introduction has almost

the force of a written constitution on Chinese governmental organization. It is a government which provides for an emperor and nine departments as follows: Control of water and land, agriculture, education, justice, public works, forestry, religion, music, and communications. The "Canon of Shun" is worthy the reader's attention. I shall therefore present it in full. It is the first of the Books of Yu, which compose Part II of the "Shu King." Shun was one of the model rulers and, according to the Chinese scheme of thought, the "Canon of Shun" would date back before 2000 B. C. For our purposes such a date may be accepted, although, as a matter of history, undoubtedly it is not so old.

The "Canon of Shun"

"1. I. Examining into antiquity, we find that the emperor Shun was called Ch'ung-hwa. He corresponded to the former emperor: was profound, wise, accomplished, and intelligent. He was mild and respectful, and entirely sincere. The report of his mysterious virtue was heard on high, and he was appointed to occupy the imperial Seat.

"2. II. Shun carefully set forth the beauty of the five cardinal duties; and they came to be universally observed. Being appointed to be General Regulator, the affairs of each department were arranged in their proper seasons. Having to receive the princes from the four quarters of the empire, they all were docilely submissive. Being sent to the great plains at the foot of the mountains, amid violent wind, thunder, and rain, he did not go astray.

"3. The emperor said, 'Come, you Shun. I have consulted you on all affairs, and examined your words, and found that your words can be carried into practice;—now for three years, do you ascend the imperial throne.' Shun wished to decline in favour of some one more virtuous, and not to consent to be successor.

"4. On the first day, of the first month, however, he received Yaou's retirement from the imperial duties in the temple of the Accomplished Ancestor.

"5. III. He examined the gem-adorned turning sphere and the gem transverse tube, that he might regulate the seven Directors.

"6. Thereafter, he sacrificed specially, but with the

ordinary forms, to God; sacrificed purely to the six Honoured ones; offered their appropriate sacrifices to the hills and rivers; and extended his worship to the host of spirits.

"7. He called in all the five tokens of gem; and when the month was over, he gave daily audience to the chief of the four Mountains, and all the Pastors, finally returning the tokens to the several nobles.

"8. In the second month of the year, he made a tour of inspection eastwards, as far as Tae-tsung, where he presented a burnt-offering to Heaven, and sacrificed in order to the hills and rivers. Thereafter he gave audience to the nobles of the East, putting in accord their seasons and months, and rectifying the days; he made uniform the standard tubes, the measures of length and of capacity, and the steel yards; he regulated the five classes of ceremonies. As to the several articles of introduction—the five instruments of gem, the three kinds of silk, the two living animals, and the one dead one, when all was over, he returned the five instruments. In the fifth month, he made a similar tour to the south, as far as the southern mountain, observing the same ceremonies as at Tae. In the same way, in the eighth month, he traveled westwards, as far as the western mountain; and in the eleventh month he traveled northwards, as far as the northern mountain. When he returned to the capital, he went to the temple of the Cultivated ancestor, and offered a single bullock.

"9. In five years there was one tour of inspection, and four appearances of the nobles at court. They set forth a report of their government in words. This was clearly tested by their works. They received chariots and robes according to their services.

"10. Shun instituted the division of the empire into twelve provinces, raising altars upon twelve hills in them. He likewise deepened the rivers.

"11. He gave delineations of the statutory punishments, enacting banishment as a mitigation of the five great inflictions; with the whip to be employed in the magistrates' courts, the stick to be employed in schools, and money to be received for redeemable crimes. Inadvertent offences and those which might be caused by misfortune were to be pardoned, but those who offended presumptuously or repeatedly were to be punished with death. 'Let me be reverent; let me be reverent,' he said to himself. 'Let compassion rule in punishment.'

"12. He banished the minister of Works to Yew island; confined Hwan-tow on mount Tsun; drove the Chief of San-meaou and his people into San-wei, and kept them there; held K'wan till death a prisoner on mount Yu. These four criminals being thus dealt with, universal submission prevailed throughout the empire.

"13. IV. After twenty-eight years the emperor demised, when the people mourned for him as for a parent for three years. All within the four seas, the eight instruments of music were stopped and hushed.

"14. On the first day of the first month, Shun went to the temple of the Accomplished Ancestor.

"15. V. He deliberated with the chief of the four Mountains, how to throw open all the doors of communication between the court and the empire, and sought to see with the eyes and hear with the ears of all.

"16. He consulted with the twelve Pastors, and said: 'The food!—it depends on observing the seasons. Be kind to the distant, and cultivate the ability of the near. Give honour to the virtuous, and your confidence to the good, while you discountenance the artful:—so shall the barbarous tribes lead on one another to make their submission.'

"17. Shun said, 'Ah! chief of the four Mountains, is there any one who can vigorously display his merits, and give wide development to the undertakings of the emperor, whom I may make General Regulator, to aid me in all affairs, and manage each department according to its nature?' All in the court said, 'There is baron Yu, the superintendent of Works.' The emperor said, 'Yes. Ah! Yu, you have regulated the water and the land. In this new office exert yourself.' Yu did obeisance with his head to the ground, and wished to decline in favour of the minister of Agriculture, or See, or Kaou-yaou. The emperor said, 'Yes; but do you go, and undertake the duties.'

"18. The emperor said, 'K'e, the black-haired people are still suffering the distress of hunger. It is yours, O prince, the minister of Agriculture, to sow for them these various kinds of grain.'

"19. The emperor said, 'See, the people continue unfriendly with one another, and do not observe docilely the five orders of relationship. It is yours, as the minister of Instruction, reverently to set forth the lessons of duty belonging to those five orders. Do so with gentleness.'

"20. The emperor said, 'Kaou-yaou, the barbarous tribes disturb our bright great land. There are also robbers, murderers, insurgents, and traitors. It is yours, as the minister of Crime, to employ the five punishments for the treatment of offences, for the infliction of which there are the three appointed places; and the five banishments, with their several places of detention, for which three localities are assigned. Perform your duties with intelligence, and you will secure a sincere submission.'

"21. The emperor said, 'Who is equal to the duty of superintending my workmen?' All in the court said, 'There is Suy.' The emperor said, 'Yes. Ah! Suy, you must be minister of Works.' Suy did obeisance, with his head to the ground, and wished to decline in favour of Shoo, Ts'eang, or Pih-yu. The emperor said, 'Yes; but do you go and undertake the duties. Effect a harmony in all the departments.'

"22. The emperor said, 'Who is equal to the duty of superintending the grass and trees, with the birds and beasts, on my mountains and in my marshes.' All in the court said, 'There is Yih.' The emperor said, 'Yes. Ah! Yih, do you be my Forrester.' Yih did obeisance, with his head to the ground, and wished to decline in favour of Choo, Hoo, Heung, or Pe. The emperor said, 'Yes; but do you go, and undertake the duties. You must manage them harmoniously.'

"23. The emperor said, 'Ah! chief of the four Mountains, is there any one who can direct my three religious ceremonies?' All in the court said, 'There is the baron E.' The emperor said, 'Yes, Ah! baron, you must be the Arranger of the ancestral temple. Morning and night you must be respectful. Be upright, be pure.' The baron did obeisance with his head to the ground, and wished to decline in favour of K'wei or Lung. The emperor said, 'Yes; but do you go, and undertake the duties. Be reverential.'

"24. The emperor said, 'K'wei, I appoint you to be Director of music, and to teach our sons, so that the straightforward may yet be kind, the gentle may yet be dignified, the strong not tyrannical, and the impetuous not arrogant. Poetry is the expression of earnest thought; singing is the prolonged utterance of that expression. The notes accompany that utterance, and they are harmonized themselves by the pitch pipes. In this way the eight different kinds of instruments can all be adjusted so that one shall not take from or interfere

with another, and spirits and men will thereby be brought into harmony.' (K'wei said, 'Oh! I smite the stone; I smite the stone. The various animals lead on one another to dance.')

"25. The emperor said, 'Lung, I abominate slanderous speakers, and destroyers of right ways, who agitate and alarm my people. I appoint you to be the minister of Communication. Early and late give forth my orders and report to me, seeing that every thing is true.'

"26. The emperor said, 'Ah! you, twenty and two men, be reverent, and so shall you aid me in performing the service of Heaven.'

"27. Every three years there was an examination of merits, and after three examinations the undeserving were degraded, and the deserving promoted. By this arrangement the duties of all the departments were fully discharged. The people of San-meaou were discriminated and separated.

"28. VI. In the thirtieth year of his life Shun was called to employment. Thirty years he was on the throne with Yaou. Fifty years after, he went on high and died." [22]

In the following chapters it will be necessary to refer many times to these theories in regard to the state; therefore, it seems best now to conclude this chapter with a simple review of the outstanding principles of the Chinese state: (1) The individual Chinese has thought of China as the world.[23] (2) It has always existed, although man has passed through various stages, but it was always a Chinese stage. (3) The state and nature have been one, and man apparently was always present.

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[22] "Shu King," Pt. II, "Books of Yu," Bk. I, "The Canon of Shun," pp. 29 to 51, inclusive, Legge's Translation.

[23] A present-day Hindu writer compares various universal state ideas in the following paragraph:

"The sarva-bhauma, chakravarti, samrat, or chaturanta of Hindu political theory, is identical with the dominus omnium, or lord of universitas quaedum in Bartolus's terminology, the Hwangti of the Chinese. He is 'the monarch of all I survey.' He rules a state whose limits extend from sea to sea (asamudraksitisa), and his chariots have free passage up to the skies (anaka-ratha-vartma), as Kalidas, the Virgil of India, puts it in his Raghu-vamsa ('The House of Raghu'). The pretensions of the doctrine of sarva-bhauma thus bear close analogy with the universal authority claimed by Hildebrand (c1075) for the Papacy, or with that rival concepton of his opponents, the Ghibelline imperialism of the Hohenstaufens. Herein is to be perceived the Hindu counterpart of the doctrine, albeit from the monarchical angle, of a single state for entire humanity, the futurist version of which has embodied itself from time to time in diverse forms,—in the visions of 'permanent peace,' or in the pious wishes for a 'parliament of man' or for the now almost discredited 'league of nations,' or for its antithesis, the communist 'Third International' of the proletarian world." "The Political Institutions and Theories of the Hindus," by Sarkar, pp. 223, 224.

(4) The prevailing thought is that man's nature is good and that the organized state is for his benefit, but both these theories are disputed. (5) The Chinese state is all embracing and exclusive. (6) Government comes into being at a very early date through the wisdom of the model rulers and it is divided into departments which in theory persist through the ages. (7) The state is always natural, concrete, and real. (8) It is not a prototype of an ideal supernatural state; it is of this earth and its commencement is in the family. While Confucius may have developed a Utopia where the form of organization and theory of man's relationship may be other than those of the family, historical, social, and political China has thought, organized itself, and functioned in terms of the family.

Chapter V

THE ORIGIN OF THE STATE

"The Commencement is in the family and State: the Consummation is in the Empire." [1]

In the minds of the Chinese the state comes into being as a result of growth. The growth may represent progress or it may represent regress, according to the philosophy of the school considered. It came for the good of man and, therefore, is good, think some. It was a destroyer of a better condition and, therefore, is bad, think others. It came as a result of force through the agency of oppressive men, it is claimed by some. It was instituted by Heaven, assert others. All are agreed that it is a development from a state of nature period. The state of nature was good or bad according to the theory held concerning man's growth. If that growth represented progress, the state of nature was not good; if it represented regress, the state of nature was good. The man in nature must be given consideration, if the thinker agrees with Mencius that man's nature is good; the state itself may be either good or bad according to its form and as man's nature reacts to it. If, on the other hand, man's nature is evil, any restraint, such as the state, upon that nature must be good.

The fact that there were cross currents of thought which led to views that were not always consistent was due, for the most part, to a conflict of premises. For example, Confucius looked backward for his models, but at the same time those models represented a progressive step forward. For Confucianism to be consistently progressive, the "Grand Union" must always be thought of as a possible future state. Take another example: if man's nature is good, as Mencius argued, what was the need of the ancient sages and why cannot the very Confucian educative systems of etiquette and ceremony be done away with? It was in that way that Hsun Tzu attacked Mencius; and Hsun Tzu went on to show that the very thing that Mencius advocated implied an evil nature in man rather than a good.

[1] "Shu King," "Instruction of E," p. 195.

Hsun Tzu pictures the beginning of the state in this way: "The nature of man is evil. His virtue is only an acquired goodness. Everyone is bent on profit. From following his lust for gain arise strifes and contentions, and the harmony of life is lost. (Man is thus the upsetter of nature's harmony.) Born with this sinful malady the spirit of loyalty and fidelity is ever on the wane. The ear is essentially fond of mirth and the eye of vanity. These tendencies toward sinful pleasures bear fruit in impurity and uncleanness. A total loss of truth and decency ensues, and a cultured life is lost in a carnal spirit. This concupiscence gives birth to strife and discord. Man fails in his duty and there is a constant tendency to revert to savagery. For this reason has it been necessary to have teachers to guide and law to correct him. By their help the spirit of mutual courtesy is fostered, refinement of life cultivated, and an ordered state of society established. From these considerations it is evident that the nature of man is essentially evil and that virtue is but an accident." [2]

Virtue having arrived in the growth of man by mere accident, the wisest among men recognized its worth and at the same time comprehending the worthlessness and the disorder of the heart of man, established laws and ceremonies in order to preserve virtue and to check evil man. And thus we have the state and from this beginning all that is good has come as an acquired art. The acquired art leads to acquired habits and these in their evolution result in the creation of rules and laws. The state thus established is self-sustaining and persists because of its constant contact with the evil nature of men, for at no time does man's original nature change. The sage even is not different from mankind generally. Where he excels is merely in the art of culture. The state, then, marks the beginning of man in his experience as a political animal, and it is therefore good, for the political animal by improved habits is henceforth on a level above the savage.

As may be surmised from what has been said, if we attempted to answer a question which asked for the Chinese idea of the state of nature, we would have to give the same sort of answer which one would give if one attempted to say what the European idea of the state of nature was.

The Confucian school, except for Mencius' theory of

[2] Opening paragraph of Hsun Tzu's "The Nature of Man Is Evil," Morgan's "Wenli Styles and Chinese Ideals," p. 46.

original goodness of man, Mo-ti, and Hsun Tzu, all see in the state of nature what Hooker saw when he described it as a state of strife; [3] or as Hobbes described it as a state of war and of no rights; [4] or as Spinoza, a state of war based on the right of might; [5] or even as the early Hindu saw it when the world lived according to the "logic" of the fish, "where, in the absence of the wielder of punishment, the powerful swallows the powerless." [6]

Thus while, on the one hand, the Chinese have, in their state of nature period, the Hobbesian "law of beasts and birds," they also have the Happy State of Rousseau's noble savage, and the additional theory of Yang Chu that man in the original state was neither good nor bad but was good and bad mixed.

While we shall give separate consideration to the various theories, we shall first mark the classical scheme as accepted by the average Chinese. Here we must think in terms of progress, for the Chinese definitely recognized it. Their thought begins with a picture of their forefathers, as a race of men scarcely above the condition of brutes, without fire and dwellings, clad in skins and eating roots and insects. These near brutes were gradually lifted by the wisest and most practical among them to that stage where they could receive the first lessons in social life, namely, hut-building, cooking, dressing, and the creation of the family organization with the father at the head. Thus China has been taught and has for ages accepted the formal notion of the origin and the evolution of the patriarchal state.

Let us turn to another picture. Chuang Tzu tells the story of the development from the state of nature stage to the organization of the state in this way:

"Above all there are six influences (the Yin and Yang principles, wind, rain, darkness, and light, or the six cardinal points, north, east, west, south, above and below), and the five virtues (charity, duty to one's neighbor, order, wisdom, and truth). If the ruler keeps in harmony with these, his rule is good; if not, it is bad." [7]

According to Chuang Tzu, Confucius visited Lao Tzu, and spoke of charity and duty to one's neighbor.

[3] Hooker (1554–1600). See his "Ecclesiastical Polity."
[4] Hobbes (1588–1670). See his "Leviathan."
[5] Spinoza (1632–1677). See his "Tractatus Theologico-Politicus."
[6] Sarkar's "Political Institutions and Theories of the Hindus," Ch. 9.
[7] Giles' "Chuang Tzu," "The Circling Sky," p. 174.

Lao Tzu said:

"The chaff from winnowing will blind a man's eyes so that he cannot tell points of the compass. Mosquitoes will keep a man awake all night with their biting, and just in the same way this talk of charity and duty to one's neighbor drives me nearly crazy. Sir! strive to keep the world to its own original simplicity, and as the wind bloweth where it listeth, so let virtue establish itself. Wherefore such undue energy, as though searching for a fugitive with a big drum?

"The snow-goose is white without a daily bath. The raven is black without daily colouring itself. The original simplicity of black and white is beyond the reach of argument. The vista of fame and reputation is noteworthy of enlargement. When the pond dries up and the fishes are left upon the dry ground, to moisten them with the breath or to damp them with a little spittle is not to be compared with leaving them in the first instance in their native rivers and lakes." [3]

"Primeval men enjoyed perfect tranquillity throughout life. In his day, the positive or negative principles were peacefully united; spiritual beings gave no trouble; the four seasons followed in due order; nothing suffered any injury; death was unknown; men had knowledge, but no occasion to use it. This may be called perfection of unity. (All things, all conditions, were one.) At that period nothing was ever made so; but everything was so.

"By and by, virtue declined. Sui Jen (The Prometheus of China) and Fu Hsi ruled the Empire. There was still natural adaptation (of man and his surroundings) but unity was gone. (The tide of coercion had set in) a further decline in virtue. Shen Nung (the inventor of agriculture) and Hwangti (the Yellow Emperor) ruled the Empire. There was peace, but the natural adaptation was gone.

"Again virtue declined. Yao and Shun ruled the Empire. Systems of government and moral reform were introduced. Man's original integrity was scattered. Goodness led him astray from Tao; (But for goodness, evil could not exist) his actions imperilled his virtue. Then he discarded natural instinct and took up with the intellectual. Mind was pitted against mind, but it was impossible thus to settle the Empire. So art and learning were added, but art obliterated the original constitution, and learning overwhelmed mind; upon which

[3] Giles' "Chuang Tzu, "The Circling Sky," p. 185.

confusion set in, and man was unable to revert to his natural instincts, to the condition in which he at first existed." [9]

"As to Yao and Shung, what claim have they to praise? Their fine distinction simply amounted to knocking a hole in a wall in order to stop it up with brambles . . . (They had better have left the wall alone). . . . If the virtuous are honored, emulation will ensue. If knowledge be fostered the result will be theft. (The people will employ their knowledge against each other.) These things are of no use to make people good. The struggle for wealth is so severe. Sons murder their fathers; ministers their princes; men rob in broad daylight, and bore through walls at high noon. I tell you the root of this great evil is from Yao and Shung, and that its branches will extend into a thousand years to come. A thousand ages hence, man will be feeding upon man." [10]

Turning to the "Shu King" we see the theory of the state coming into being as the result of Heaven's action. In this system of thought man is an endowed creature, and states are set up and sustained by Heaven for man's good.

In the Great Declaration [11] we find the Chinese philosophy on the origin of man and the purpose of the state expressed as being for man's complete fulfillment.

"Heaven and earth is the parent of all creatures; and of all creatures man is the most highly endowed. The sincere, intelligent, and perspicacious among men becomes the great sovereign; and the great sovereign is the parent of the people. But now, Show, the King of Shang, does not reverence Heaven above, and inflicts calamities on the people below. He has been abandoned to drunkenness, and recklessness in lust. He has dared to exercise cruel oppression. Along with criminals he has punished all their relatives. He has put men in office on the hereditary principle. (A great offence at that early date.) He has made it his pursuit to have palaces, towers, pavilions, embankments, ponds, and all other extravagances, to the most painful injury of you the myriad people. He has burned and roasted the loyal and good. He has ripped up pregnant women. Great Heaven was moved with indignation, and charged my deceased father, Wan, reverently to display its majesty; but he died before the work was completed."

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[9] Giles' "Chuang Tzu," "Exercise of Faculties," pp. 196–197.
[10] Ibid., "King Sang Ch'u," p. 296.
[11] "Shu King," p. 284.

Thus it is man who is the most intelligent of all creatures, for even the various kinds of animals have their measures of intelligence, but none are so great as man. Then as man is greater than other creatures there appear among men those who are superior to their fellows. These are the sages who are raised up by Heaven, and become the rulers, teachers, parents, in fact, of the mass. Man as one of many creatures in nature is considered in this way.[12]

"Man is one among all creatures. Other creatures, however, get but a portion of energizing element of nature, while he receives it complete; it is this which makes the nature of man more intelligent and capable than that of other creatures. But though men are endowed with this capacity and intelligence, there are those who are not able to preserve and maintain it, and there must be the quick apprehending and understanding ruler to be parent to them. In this way, the people are able all to complete their intelligence. The sage possesses before me that of which I have the seeds in common with himself, and among intelligent beings he is the most intelligent."

According to this theory the law of nature is constantly working and Heaven acts through that law on the state in this way:

"If I subdue Show, it will not be my prowess, but the faultless virtue of my deceased father Wan. If Show subdue me, it will not be from any fault of my deceased father Wan, but because I, who am a little child, am not good." [13]

In Lao Tzu and Chuang Tzu we do not find any description of government as such. There is no division of the different forms of government. Government was of one kind only, the ruler and the ruled. If the ruler were good the government was good; if he were bad the government was bad. That does not mean that there was not good observation and that differences were not noted, for they were. Chuang Tzu in his conclusions about the state of nature and the origin of the state gained much of his understanding from his thorough observation; and nature satisfied him at least that his observations were true. His conclusions had the reason of nature back of them; that is, nature as he experienced it. We do find a discussion on the comparative governments of the three

[12] Ch'iu King, in Legge's "Notes on the Shu King," p. 284.
[13] "Shu King," "The Great Declaration," p. 297.

kings and the five rulers and in this there is not only evidence of keen observation, but also intelligent discernment.

"The administrations of the three kings and the five rulers," replied Tzu Kung, "were not uniform: but their reputation has been identical. How then, sir, is it that you do not regard them as sages?"

"Come nearer, my son," said Lao Tzu, "what mean you by not uniform?"

"Yao handed over the empire to Shung," replied Tsu Kung, "and Shung to Yu. Yu employed labor and Tang employed troops. Wen Wang followed Chou Hsin and did not venture to oppose him. Wu Wang opposed him and would not follow. Therefore I said not uniform."

"Come nearer, my son," said Lao Tzu, "and I will tell you about the Three Kings and the Five Rulers.[14]

"The Yellow Emperor's administration caused the affections of the people to be Catholic. Nobody wept for the death of his parents, and nobody found fault. (All loved each other equally.)

"The administration of Yao diverted the affections of the people into particular channels. If a man slew the slayer of his parents, nobody blamed him. (Filial affection began to be predominant.)

"The administration of Shun brought a spirit of rivalry among the people. . . .

"The administration of Yu wrought a change in the hearts of the people. Individuality prevailed, and force was called in play. Killing robbers was not accounted murder; and throughout the empire people became subdivided into classes. There was great alarm on all sides, and the Confucianists and the Mihists arose. At first relationships were duly observed; but what about the women of to-day? (That is they were not free to seek natural relationships at the right time for the laws compelled them to be married at a certain age or forced them not to be married until a certain age.)

"Let me tell you. The government of the Three Kings and Five Rulers was so only in name. In reality, it was utter confusion. The wisdom of the Three Kings was opposed to the brilliance of the sun and moon above, destructive of the energy of land and water below, and subversive of the influence of the four seasons between." [15]

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[14] Yu, Tang, and Wen Wang; and Fu-hi, Shon-nung, Hwangti, Yao, and Shun.
[15] Giles' "Chuang Tzu," "The Circling Sky," p. 187.

We have here a continuation of the theory that the origin of government was not for the good of man. Its natural development was one of restraint as one restriction and unnatural law gave place to another; or better as one man-made law after another merely added to the confusion started. Chuang Tzu held that no government by man can be good. Only that government is good which is in accordance with Tao. Therefore the origin or creation of the state stood for the beginning of confusion and disorder. He cited history to prove his contention.

Confucius makes the government of the Three Kings and the Five Rulers his models. Lao Tzu who urged the original state of nature as being better than the then present can see only the beginning of confusion by the efforts of these model rulers.

Lao Tzu teaches that all nature proceeds in accordance with fixed laws. These will prevail in spite of all that men may do. Therefore it is useless to try to do anything. Natural law prevails in spite of everything. The creation of government merely upsets natural law.

The only sensible thing for anyone to do is to learn this law and move in harmony with it. He who acts, thinks, and moves in accordance with that law has attained Tao.

Despite Lao Tzu's contention that Tao cannot be learned or understood or discovered, it is attained by getting in harmony with nature through the perception of the truth, and it enlarges as knowledge is acquired. The greater the knowledge the greater the perception of Tao. Lao Tzu leads to perfection if we may use a western thought, by getting into harmony with nature and learning its ways and its eternal round. Once started upon this course, it is an eternal process and there is the Tao of man, the Tao of Heaven, and the Eternal Tao. We must not read the idea of progress in what Lao Tzu taught, for, in spite of his words, to be crediting him with that thought would be to credit him with exactly what he did not teach. "Abandon wisdom and discard knowledge and the people will be benefited a hundredfold," does not sound like "by knowledge you may grow," which is the essence of individual progress, but Lao Tzu's conception of the three Tao, the laws of man, Heaven, and the eternal reason, imply nevertheless growth in knowledge. It is indeed the

knowledge of the Gods, the secret of the eternal processes, and not the warping of the limits of the mind and of men's actions by forcing them to submit to the rule of propriety or man-made conceptions of what is right and wrong. Lao Tzu moved in a bigger world. He refused and condemned the rules which held man in bondage. He invited the soul to bigger spheres. To the thoughtful man, if that is not an invitation to progress, it is at least an invitation to something better. The learned of the world may call this wrong. The learned of the world have not accepted Lao Tzu; neither did the learning of the world get the conception of progress until very late in its thought.

According to the Chinese notion as pictured by Chuang Tzu, government had its basis in bloodshed; the state comes as a ruiner of an age of perfect virtue:

"I have heard that in olden times the birds and animals outnumbered man and that the latter was obliged to seek his safety by building his domicile in trees. By day he picked up acorns and chestnuts. At night he slept upon a branch, hence the name 'nest' builders. Of old, the people did not know how to make clothes. In summer they collected quantities of fuel and in winter warmed themselves by fire, hence the name 'Provident.'

"In the days of Shen Nung, they lay down without caring where they were and they got up without caring whither they might go. A man knew his mother, but not his father. He lived among the wild deer. He tilled the ground for food. He wove clothes to cover his body. He harboured no thought of injury to others. These were the glorious results of an age of perfect virtue.

"The yellow emperor, however, could not attain to this virtue. He fought with Ch'ih Nu at Cho lu and blood flowed for a hundred li. Then came Yao and Shun with their crowd of ministers."[16]

Yao and Shun represented the establishment of government. Since the establishment of government, the formal organization of the state, there has been bloodshed, disorder, murder, hate, and selfishness.

The state, then, is natural. Confucius taught morality in all things and his system is based upon the virtue of the official. He made models of Yao, Shung, and Yu, and he showed that

[16] Giles' "Chuang Tzu," "The Robber Che," p. 391.

the governments of their days were good because those rulers were virtuous, but Chuang Tzu showed that their virtue was not complete. Confucius saw progress in the creation of the state, Chuang Tzu saw regress, for the yellow emperor fought at Cho lu and blood ran for a hundred li. Chuang Tzu delivers these thrusts at the Confucian models. Yao was not paternal because he killed his eldest son and Shun was not filial for he banished his mother's younger brother. The great Yu was even deficient in at least one respect, for he displayed a want of natural feeling, in that while he was engaged in his great engineering work of draining the Empire after the great flood, he passed his own door for nine years, without going in to see his family. Thus even the perfect ones, the very rulers whom Confucius holds up as models of perfection, seem to fail. Man is natural and his passions and feelings are natural and regardless of rules he will live in a natural way. Wherever we point we find some imperfection in the most nearly perfect of men.

Chuang Tzu shows that there may be great ideals but, like Machiavelli, he shows that in government, or in any regulation with men, it is well not to rely entirely upon the ideals, but rather upon how man will act naturally. "Chich Tzu T'ui was truly loyal. He cut a slice from his thigh to feed Wen Wang. Afterward, when Wen Wang turned his back upon him he retired in anger, and, grasping a tree, was burnt to death. (He took refuge in a forest, from which Wen Wang, anxious to recover his friend, tried to smoke him out!)[17]

Mencius says: "In the Book of History it is said, 'Heaven having produced the inferior people made for them rulers and teachers with purpose that they should be assisting to God, and therefore distinguished them throughout the four quarters of the world, whoever be offenders, and whoever are innocent here am I to deal with them. How dare any under Heaven give indulgence to their refractory wills.' There was one man pursuing a violent and disorderly course in the Kingdom and King Wu was ashamed of it. This was the valour of King Wu. He also by one display of anger, gave repose to all the people of the Kingdom. Let now your majesty also, in one burst of anger, give repose to all the people of the Kingdom. The people are only afraid that your majesty does not love val-

[17] Giles' "Chuang Tzu," "The Robber Che," p. 395.

our."[18] Here we have a hint at government founded on divine right.[19]

Mencius did not formally classify government, but he did distinguish between the various governmental theories rife at his time. The good government to him was the royal aristocratic government of the sages, where the sovereign was a benevolent ruler of virtue. The ministers were selected democratically by examination because of their wisdom and virtue and because of their understanding of the art of government. In Yao he saw the ideal sovereign, in Shun the ideal minister. This form of government was best because it insured wise, virtuous, and benevolent government. It recognized the proper relationships under the rules of filial piety and political propriety. It is the only way Mencius saw of getting a government by the best. The best to Mencius meant the learned and the learned to the Chinese meant the most proficient in the art of government. He condemns the type of government suggested by Yang Chu, a government where every man was for himself. Anarchy to him was both nonsocial and nonpolitical, for proper relationships cannot be sustained without law. The government of Mo-ti where each person shows mutual love or, politically speaking, where all are respected as equals, does not protect the relationships incident to the good life, the father, the sage, the wise, and the virtuous; therefore, it, too, is unsocial and nonpolitical. Not to acknowledge the rules of propriety, not to respect proper authority and filial piety, is to live like the animals.

While Mencius does not directly classify governments as Aristotle did, he recognized the various forms in the theories of men whose doctrines he opposed.

Tao's "Commentary" on the "Ch'un Ts'iu," Duke Wan, XIII No. 3, says:

"Duke Wan consulted the tortoise shell about changing his capital to Yih. The officer of divination said, 'The removal will be advantageous to the people, but not to the ruler.' The Viscount said, 'If it be advantageous to the people, that will be advantageous to me. When Heaven produced the

[18] "Mencius," Bk. I, Pt. II, Ch. 3.

[19] I have written this sentence even after due consideration of these words of Locke's. Locke says (Ch. 8, Sec. 112, of his Civil Government): "Though they never dreamt of monarchy being jure divino, which we never heard of among mankind till it was revealed to us in the divinity of this last age, nor never allowed paternal power to have a right to dominion, or to be the foundation of all government."

people, it appointed for them rulers for their profit. Since the people are to get advantage, I shall share in it.' His attendants said, 'If your life may be prolonged, why should you not decide not to remove?' He said, 'My appointment is for the nourishing of the people; my death sooner or later has a time. If the people are to be benefited let us remove, and nothing could be more fortunate.' The capital was accordingly removed to Yih and in the fifth month of this year Duke Wan died. The superior man may say that he knew (the secret of) life." [20]

Thus the Chinese theory of the origin of the state is one of contradictions. Contradictions also were in their theory of the state, for while China conceived the state as coequal and coextensive with the universe, yet it recognized the parts as separate institutions with separate and almost complete authority. The ancient states, as with Korea later, must have been in the thoughts of the tribute-collecting Chinese official, a part of the great universal state; and as Korea was her own agent in most things and was so recognized, so were the ancient states. And in the same manner, Mongolia may, at the present time, consistently enter into a tripartite agreement with Russia and China and yet be thought of as a part of China by both China and Mongolia. Thus did the ancient states act. They formed leagues with one another, fought one another, but felt and recognized the unity of the whole. The same theory holds for the family and its relations to the state, the prince and his city, the guild of merchants, and the Prince. Heaven ruled, but it was by the voice of the people. Government is for the happiness of the people, but a happy people is one that is kept happy by being kept busy; [21] hard tasks make for happiness. In this we have an oriental adaptation of the idea that leisure breeds discontent. Happiness consists in being at peace with neighbors, family, ancestors, and gods, having a plow to work, and leaving enough posterity to insure a future worship and producing enough food to keep the worshipers alive. For leisure a bit of poetry and some of the wisdom of the ages satisfied. But, as noted by Bertrand Russell, [22] in the Chinese scheme and life there is happiness.

With the state established and functioning, Confucius

[20] "Ch'un Ts'iu," p. 264.
[21] See "Canon of Filial Piety," Sacred Books of the East, Vol. III.
[22] "The Problem of China," New York, 1922.

laid down the following essentials to the state's well-being, its continuation, and the government which it might set up as being worthy of respect: [23]

First, it must provide for the economic needs of the people; there must be sufficiency of food.

Second, it must sustain a sufficient military force to maintain its existence.

Third, it must retain the confidence of the people in its government.

In making a summary of the Chinese conceptions concerning the origin of the state, I think we are justified in setting forth the following: (1) The state is natural. (2) The state comes into being as a result of growth. (3) This growth may represent progress or regress, according to the conception of the condition before the beginning of the state. (4) All theories accept a state of nature period before the creation of the state. (5) If this period is idealized as being one of happiness and unrestraint, the state is condemned as being bad; but if, on the other hand, the state of nature period is conceived as one where men lived as wild animals, it is praised as being good. (6) The state is instituted by Heaven. (7) It is a thing conceived and perfected by oppressive men.

The conceptions regarding the nature of man in the state are: (1) That he is good; (2) that he is bad; (3) that he is both good and bad, or that he is neither good nor bad, but that he may become either.

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[23] "Analects," Book XII, Ch. 7.

Chapter VI

ECONOMIC FOUNDATIONS OF THE STATE

"To centralize wealth is to disperse the people; to distribute wealth is to collect the people." [1]

As we have seen that Confucius makes the supply of food for the people the state's first consideration, we may say further that his government is thought of in terms of a great industrial medium. According to the Canon of Shun, most of the departments in that government were given over to the work and welfare of the people and four out of the nine were charged with economic functions. These four departments directed the agriculture, the commerce, the land, the labor, and the natural resources of the state. The noneconomic departments took care of education, religion, justice, music, and communication between officers of government and the people. It is interesting to note in passing that there was no department to provide personal service for the emperor, and none for preparation of war. The government was democratic and established on a peace basis. Therefore early Chinese society was not military but economic.

"On this account, the ruler will first take pains about his own virtue. Possessing virtue will give him the people. Possessing the people will give him the territory. Possessing the territory will give him its wealth. Possessing the wealth he will have the resources for expenditure.

"Virtue is the root; wealth is the result.

"If he make the root his secondary object, and the result his primary, he will only wrangle with his people and teach them rapine.

"Hence to centralize wealth is to disperse the people; to distribute wealth is to collect the people." [2]

With advice from the Master, such as the above, we plainly see that on the economic well-being of the people rests not only their welfare but the very existence of government.

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[1] "Great Learning," Ch. X, v. 9.

[2] Ibid., Ch. X.

Chen Huan-Chang [3] makes the above quotation from the "Great Learning" the key to an understanding of the following quotation from the "Analects." [4]

"Adopt the calendar of the Hsia dynasty. Ride in the state carriage of the Yin dynasty. Wear the crown of the Chou dynasty. Imitate the music of Shao and Wu. Banish the tunes of Cheng, and keep far from specious talkers. The tunes of Cheng are licentious; specious talkers are dangerous."

Chen Huan-Chang comments on this as follows:

"This chapter has been highly praised by all scholars through all ages, but none has understood the meaning of it. Its exact meaning is similar to that of the last chapter of the 'Great Learning.' The subject of that chapter is the governing of the state and the equalizing of the whole world, and there are only two ways to realize such a purpose, namely, administering wealth and employing the best men. This chapter has exactly these two principles. Keeping far from specious talkers is the negative form of stating the principle of employing the best men. All four positive rules are economic principles. The calendar of Hsia is most seasonable; to adopt it means to keep the agriculture works in the best time. The carriage of Yin is most economical and lasting; to ride in it means to promote commerce by means of economical and lasting transportation. The crown of Chou is most beautiful; to wear it means to raise the standard of workmanship. These three things, calendar, carriage, and crown, refer to agriculture, commerce, and industry respectively. These three sentences are more concerned with the production of wealth than with its consumption, while the fourth sentence, which mentions music, refers to consumption. The music of Shao belonging to Shun and that of Wu belonging to Wu Wang, both are the best music of the ancients; to imitate them means to better the standard of life in the most refined stage, while to banish the tunes of Cheng is simply to prevent excess of pleasure. Therefore, Confucius gives Yen Yuan six rules, four positive and two negative; but five rules out of six are economic principles. In fact, the first way of governing either a state or a universal empire is to reform economic life, and the second way is to

[3] Chen Huan-Chang, "Economic Principle of Confucius and His School" Columbia University Studies in History, Economics, and Public Law, Vol. 44 (1911), p. 74.

[4] "Analects," Bk. XV, Ch. X.

employ good men. These are the essential meanings of this chapter, although Confucius uses figures of speech. Unless we understand that Confucius refers to economic principles how can we explain how a calendar, a carriage, and a crown have anything to do with the governing of a state or a universal empire? According to the old interpretation, the answer of Confucius had no significance. But according to our interpretation, it means that the chief concern of a government is economic life."

Thus we see that from the earliest times the economic happiness and welfare of the people were given great consideration. A successful ruler was judged by the prosperity of his people. King Hui of Liang said:

"Small as my virtue is, in the government of my Kingdom, I do indeed exert my mind to the utmost. If the year be bad on the inside of the river, I remove as many people as I can to the east of the river and convey grain to the country on the inside. When the year is bad on the east of the river, I act on the same plan. On examining the government of the neighboring Kingdoms, I do not find that there is any prince who exerts his mind as I do, and yet the people of the neighboring Kingdoms do not decrease, nor do my people increase. How is this?" [5]

So much does the royal government which Mencius describes and defends depend upon the economic welfare of the people that advice is given as to conservation of the forests, the fish in pools and ponds, and the products of the fields.

"If the seasons of the husbandry be not interfered with, the grain will be more than can be eaten. If close nets are not allowed to enter ponds and pools, the fishes and turtles will be more than can be consumed. If axes and bills enter the hills and the forests only at the proper time, the wood will be more than can be used.[6]

"When the grain and fish and turtles are more than can be eaten, and there is more wood than can be used, such a condition enables the people to nourish their living and bury their dead, without feelings against any. This condition, in which the people nourish their living and bury their dead

[5] "Mencius, Bk. I, Pt. 1, Ch. 3.

[6] China and Korea forgot this advice with disastrous results. Japan has followed it for centuries. In years to come historians will, without doubt, point out the fact that Japan's reforestation of Korea was an outstanding accomplishment toward the regeneration of that land.

without any feelings against any,[7] is the first step of royal government.

"Let mulberry trees be planted about the homesteads with their five mow, and persons of fifty years may be clothed with silk. In keeping fowls, pigs, dogs,[8] and swine, let not their times of breeding be neglected, and persons of seventy years may eat flesh. Let there not be taken away the time that is proper for the cultivation of the farm [9] with its hundred mow, and the family of several mouths that is supported by it shall not suffer from hunger. Let careful attention be paid to education in schools. . . . It never has been that the ruler of a state, when such results are seen,—persons of seventy wearing silk and eating flesh, and black-haired people suffering neither from hunger nor cold,—did not attain to royal dignity." [10]

When the wants and needs of the people are the first considerations, kingly power is certain and lasting.

Mencius held that the government should take care of its people. If people suffer from lack of regulation, then the government is responsible. Some read communism into this. Mencius had socialistic tendencies, although the theory is not strictly communistic. It is rather paternalistic, but there are no suggestions of taking away private property or of restraining individual effort. The earth provides enough for all. If all do not get it, it is the fault of government. Regulation is the means toward achieving equal prosperity.

"Your dogs and swine eat the food of men, and you do not make restrictive arrangements. There are people dying from famine on the roads, and you do not issue the stores of your granaries for them. When people die, you say, 'It is not owing to me; it is owing to the year. In what does this differ from stabbing a man and killing him, and then saying, 'It was not I; it was the weapon?' Let your majesty cease to lay the blame on the year and instantly, from all the nation the people will come to you." [11]

[7] That feeling would first be expressed against the ruler. The idea implied is that the ruler's first duty is to see that the people are prosperous. Not only that, but that it is his first defense in case of opposition.

[8] Dogs were grain-fed and eaten.

[9] Government should not make public demands upon the people which will interfere with the food supply. There is also the added idea that government has no right to take the food in form of taxes from those who are dependent upon the cultivator.

[10] "Mencius," Bk. I, Pt. I, Ch. 3.

[11] Ibid., Bk. I, Pt. I, Ch. 3.

Mencius, as noted above, makes the first requirement for good government the guaranteeing of prosperity to the people but there are others: Government should be [12] sparing in the use of fines and punishments, showing here that he would not lay great stress on the appearance of force. In this he agrees with Chuang Tzu. He would make taxes and levies light not only that the people should not be burdened but for a greater reason; and here Mencius seems to be scientific in his application of practical politics, for his notion of light taxes is not to discourage individual initiative, for he says, "Making taxes and levies light, so causing that the fields shall be plowed deep, and the weeding of them carefully attended to." [13] If man has most of his income taken by taxes he refuses to work his land to its fullest. Throughout the Orient through poor systems of taxation and the putting of the burden wherever there is an appearance of being able to sustain the burden has caused the people never to show their wealth and always to appear poor. To appear successful or wealthy means to share what one has with the government tax collector. Mencius would overcome this by keeping taxes and levies light.

After the economic basis of good government comes his next step which we may call educational, the teaching of proper relationships between the ruler and the ruled in accordance with rules of propriety. Thus harmony of action and ideal is maintained. Mencius even goes so far as to say that the rules of propriety, in order to be properly maintained and observed, can only be preserved when people are economically happy.

When rulers deprive the people of their time they cannot cultivate themselves or their fields, and thus they cannot keep the rules of propriety nor become prosperous. This argument is one which seems to be added because the basis of all good action is upon Confucius' proper relationships between father and son, brother and brother, etc., and Mencius insists that economic demands be such that the ideal relations be not interfered with.

It was the custom for the sovereign to examine into the planting and supervise the use of seed, bring it up to standard, and in the autumn to examine the reaping and assist where

[12] "Mencius," Bk. I, Pt. II, Ch. 5.
[13] Ibid., Bk. I, Pt. I, Ch. 5.

there was a deficiency of crops. Officials were rewarded and punished according to the condition of their people and the land.

Mencius said:

"Let the people be employed in the way that is intended to secure their ease, and though they be toiled, they will not murmur. Let them be put to death in the way which is intended to preserve their lives and though they die they will not murmur at him who puts them to death." [14]

The first sentence refers to forced work for the state, such as road building, bridge making, or other public work. The second to carrying on a necessary war or in the administration of justice, the idea expressed being that if the state cares for the economic welfare of all, there will be contentment among the people and when sacrifices are demanded they will be made cheerfully.

Mencius [15] makes the essence of a happy state economic contentment, and proper provision for the aged and the weak, that all wants may be supplied. He holds that virtue itself depends upon decent economic conditions and that a proper mental and intellectual life cannot be spent where proper economic conditions are lacking. "And is it only the mouth and the belly which are injured by hunger and thirst? Men's minds are also injured by them." [16]

Confucius put the economic welfare first and educational second. "The people having grown so numerous what next should be done for them?" asked Jan Yu. "Enrich them," was the reply. "And when you have enriched them, what next should be done?" he asked. "Educate them," was the answer.[17]

One of Yao's first acts was to correct the calendar, and the

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[14] "Mencius," Bk. VII, Pt. I, Ch. 12. Machiavelli in "The Prince," Ch. 17, says: "But above all things he must keep his hands off the property of others, because men more quickly forget the death of their father than the loss of their patrimony."

In Ch. 8 he says: "Hence it is to be remarked that, in seizing a state, the usurper ought to examine closely into all those injuries which it is necessary for him to inflict, and do them all at one stroke so as not to have to repeat them daily; and thus by not unsettling men he will be able to reassure them, and win them to himself by benefits. He who does otherwise, either from timidity or evil advice, is always compelled to keep the knife in his hand; neither can he rely on his subjects, nor can they attach themselves to him, owing to their continued and repeated wrongs. For injuries ought to be done all at one time, so that being tasted less they offend less; benefits ought to be given little by little, so that the flavor of them may last longer."

[15] Ibid., Bk. VII, Pt. I, Chs. 22, 23, 27.

[16] Ibid., Bk. I, Pt. I, Ch. 27.

[17] "Analects," Bk. XIII, Ch. 9.

reason given for this was that agriculture might be benefited. Yao's first attention was given to settling differences between states; then, seeing that the home industry should be properly regulated, with a properly regulated calendar "all the works of the Year will be fully performed." [18]

Shun makes the nourishment of the people, the food supply, the first consideration of the prince.[19]

That the security of the state rests upon a stable economic foundation is a central thought of all Chinese governmental ideas. The emperor even in modern times plowed eight furrows each year and did some planting, and he assumed complete responsibility for the economic welfare of the state. His bad actions brought calamities and his virtues brought agricultural success. Tso in his "Commentary" in speaking of the Duke of Wei says:

"Duke Wan of Wei, in garments of coarse linen and a cap of coarse silk, laboured to improve his resources; encouraged agriculture; promoted trade; treated the mechanics kindly; reverently sought the moral instruction of the people; stimulated them to learn; imposed nothing but what was right; and employed the able. The consequence was that while his leather carriages in his first year were only 30, in his last year they amounted to 300." [20]

The following quotations will illustrate how the economic ideas were considered when taking up new land for the establishment of a state. While location and splendid land were considered important, a happy, hard-working people was the best security for a lasting state. Then follows the thought that "man cannot live by bread alone," a thought which is always present in Chinese Confucian theory. The quotations are taken from Tso's "Commentary."

"The people of Tsin were consulting about leaving (their capital at) old Keang; and the great officers all said, 'We must occupy the site of the (former) Seun-hea. The soil is rich and fruitful, and it is near the salt marsh. There is a profit in it for the people, and enjoyment for the ruler. Such a site is not to be lost.' (At this time) Han Heen-tsze (Han Keuch) commanded the new army of the centre, and was also high chamberlain. The marquis bowed to him to follow him,

[18] "Shu King," "The Canon of Yao," p. 22.
[19] Ibid., "The Canon of Shun," p. 42.
[20] Tso's "Commentary," p. 131.

which he did to the court before the State chamber; and as they stood there, the marquis asked his opinion on the subject. Heen-tsze replied, 'At Seun-hea the soil is thin and the water shallow. The evil airs about it are easily developed. This will make the people miserable. In their misery they will become feeble and distressed; and then we shall have swollen legs, and all the diseases generated by damp. The site there is not like that of Sin-t'een, where the soil is good and the water deep. It may be occupied without fear of disease. There are the Fun and the Kwei to carry away the evil airs; and the people, moreover, are docile. It offers advantages for ten generations. Mountains, marshes, forests, and salt-grounds are indeed most precious to a state; but when the country is rich and fruitful, the people grow proud and lazy. Where a capital is near such precious places, the ruling House becomes poor;—such a site cannot be called enjoyable.' The marquis was pleased, and followed the suggestion. In summer, in the 4th month, on Ting-ch'ow, Tsin removed its capital to Sin-t'een.[21]

"In the 6th month, Tsze-ch'an of Ch'ing went to Ch'in to superintend the business of a covenant. When he reported the execution of his commission he said to the great officers, 'Ch'in is a doomed State, with which we should have nothing to do (Its government) is collecting rice and millet, and repairing the walls of its capital and suburbs, relying on these two things, without doing anything for the comfort of the people. The ruler is too weak to stand to anything; his brothers and cousins are extravagant; his eldest son is mean; the great officers are proud; the government is in the hands of many families:—in this condition, and so near to the great State (of Ts'oo), can it avoid perishing? It will perish within ten years.'" [22]

The "Li Ki" points out the care with which the people were settled on the land, their happiness and economic welfare being a first consideration.

"In settling the people the ground was measured for the formation of towns, and then measured again in smaller portions for the allotments of the people. When the division of the ground, the cities, and the allotments were thus fixed in adaptation to one another, so that there was no ground unoccupied, and none of the people left to wander about idle,

[21] Tso's "Commentary," Bk. VIII, p. 360.
[22] Ibid., Bk. IX, p. 557.

economical arrangements were made about food; and its proper business appointed to each season. Then the people had rest in their dwellings, did joyfully what they had to do, exhorted one another to labor, honored their rulers, and loved their superiors. This having been secured, there ensued the institution of schools." [23]

Upon such arrangements rested the economic foundation of Chinese life. It was democratic and its democracy was maintained by equality of opportunity, for, as Confucius taught, centralized wealth destroys the unity of a nation while equalized and well distributed wealth makes for political unity.

Poverty is a curse to a state, and results in the degradation of the people. Mencius says, "The destruction of the poor is their poverty. In such circumstances they only try to save themselves from death and are afraid they will not succeed. What opportunity have such to cultivate propriety and righteousness." [24]

The healthful, happy, and well-provided-for citizen was the basis of a good state, Mencius thought. He saw what modern statesmen are now beginning to understand, that freedom from want, for self and dependents, is the most powerful incentive to efficiency and industry. The efficient labor is not neglected, but with it comes the reward of contentment. Whenever the government falls short in supplying conditions so that economic happiness may come, it is to be condemned. This light is even now just dawning upon the minds of the pioneers in progress in the governments of the most advanced nations of to-day. Mencius said:

"They are only men of education, who, without a certain livelihood, are able to maintain a fixed heart. As to the people, if they have not a certain livelihood, it follows that they will not have a fixed heart. And if they have not a fixed heart, there is nothing which they will not do in the way of self-abandonment, of moral deflection, of depravity, and of wild license." [25]

Hsun Tzu's theory is that the state is based on legal rights and legal rights in turn have their basis in ethical justice. But men join in a society and create a state in order to conquer or overcome the natural things in the world by collective

[23] "Li Ki," "Royal Regulations," p. 230.
[24] "Mencius," Bk. I, Pt. I, Ch. 7.
[25] Ibid., Bk. I, Pt. I, Ch. 7.

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activity. They could not succeed in this individually. Thus man's economic needs are the primary cause for the formation of the social order.

"The water and fire have breath, but without life. The herb and wood have life, but without knowledge. The bird and beast have knowledge, but without justice. Man has breath, life, knowledge, and also justice; hence he is the noblest being in the world. His strength is not equal to that of the horse; yet the bull and the horse are subjected to him. Why? It is because man is able to be social and they are not. How is man able to be social? It is by the principle of individual right. How can the individual right be realized? By justice. Therefore, justice and individual right make men harmonious. Since men are harmonious they form one unity. Since they form one unity, they increase their strength. Increasing their strength they become strong. Since they are strong they conquer natural things. Hence, the house can be secured for their safety. Hence they arrange the four seasons, master all things, and benefit the world universally. It is for no other cause that man possesses right and justice. Therefore, when man is born, he cannot get along without society. But if society did not distribute the individual right justly, men would quarrel. If they were to quarrel society would be disorderly. If society were disorderly, men would be disunited. If men were disunited they would be weak. If they were weak, they could not conquer the natural things. Hence, the house could not be secured for their safety. All of which means that rites and justice cannot be left out for a moment." [26]

As the state is organized to give man economic advantage, just so man in return must do his share toward maintaining the state and the other social institutions from which he benefits. Taxation is upheld as being proper by the Confucian school. (See Chapter VII under "Taxation.") Under the filial system economics is stressed and the filial son should provide for his parents. In the first chapter of the five which describe the duties of the five classes in the Chinese state, namely, the emperor, the princes, the great officers, the scholars, and the common people, we read:

"They follow the course of heaven in the revolving seasons, they distinguish the advantages afforded by the different

[26] Morgan's "Wenli Styles and Chinese Ideals," Hsun Tzu's "Kingly Government," p. 20.

soils, they are careful of their conduct, and they are economical in their expenditure, in order to support their parents; this is the filial piety of the common people." [27]

Thus Confucius identified filial piety of the common people with economic efficiency. While, according to the "Li Ki" (Bk. XXI, p. 226), the economic type is the lowest of the three degrees of filial piety, still it is important. I call attention to this point here to emphasize the fact that Chinese ethics as well as politics have their economic significance.

The "Shu King," in pointing the manner in which Yu overcame the floods, illustrates vividly the great importance to the state and the people of the economic foundations. Yu's work was practically all economic.[28] He ruled his state as a great engineer would. The Chinese gave the date of Yu's administration from 2205 to 2198 B. C.

"The emperor said, 'Come, Yu, you also must have admirable words to bring before me.' Yu did obeisance, and said, 'Oh! What can I say after Kaou-yaou, O Emperor? I can only think of maintaining a daily assiduity.' Kaou-yaou said, 'Alas! Will you describe it?' Yu said, 'The inundating waters seemed to assail the heavens, and in their vast extent embraced the mountains and over-topped the hills, so that people were bewildered and overwhelmed. I mounted my four conveyances, and all along the hills hewed down the woods, at the same time along with Yih showing the multitudes how to get flesh to eat. I also opened passages for the streams throughout the nine provinces, and conducted them to the sea. I deepened moreover the channels and canals, and conducted them to the streams, at the same time alone with Tseih sowing grain, and showing the multitudes how to procure the food of toil in addition to flesh meat. I urged them further to exchange what they had for what they had not, and to dispose of their accumulated stores. In this way all the people got grain to eat, and all the states began to come under good rule.' Kaou-yaou said, 'Yes; we ought to model ourselves after your excellent words.'

"Yu said, 'Oh! be careful, O emperor, of the manner in which you occupy the throne.' The emperor said, 'Yes.' Yu

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[27] "Canon of Filial Piety," Sacred Books of the East, Vol. III, p. 471.

[28] It should be remembered that in overcoming the floods not only was a system of drainage worked out, but that the proper control of irrigation water was also discovered. Irrigation probably marked the foundation of Chinese society.

said, 'Find your rest in your resting-point. Attend to the springs of things, study stability; and let your assistants be upright:—then will your every movement be greatly responded to, as if the people only waited for your will, and you will brightly receive gifts from God. Will not heaven renew its favouring appointment, and give you blessings?' [29]

"The nine branches of the Ho were conducted by their proper channels. Luy-hea was formed into a marsh; in which the waters of the Yung and the Tseu were united. The mulberry grounds were made fit for silkworms, and then the people came down from the heights, and occupied the ground below.

"The soil of this province was blackish and rich; the grass in it became luxuriant, and the trees grew high. Its fields were the lowest of the middle class. Its revenues just reached what could be deemed the correct amount; but they were not required from it as from the other provinces, till after it had been cultivated for thirteen years. Its articles of tribute were varnish and silk; the baskets from it were filled with woven ornamental fabrics."[30]

"Thus, throughout the nine provinces a similar order was effected:—the grounds along the waters were everywhere made habitable; the hills were cleared of their superfluous wood and sacrificed too; the sources of the streams were cleared; the marshes were well banked; access to the capital was secured for all within the four seas.

"A great order was effected in the six magazines of material wealth; the different parts of the country were subjected to an exact comparison, so that contribution of revenue could be carefully adjusted according to their resources. The fields were all classified with reference to the three characters of the soil; and the revenues for the Middle region were established.

"He conferred lands and surnames. He said, 'Let me go before the empire with reverent attention to my virtue, that none may act contrary to my conduct.'" [31]

King Wan[32] is held up as a model who ruled with a true economic balance. "Seeking to secure the happy harmony of the myriads of the people. King Wan did not dare to go

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[29] "Shu King," "Yih and Tseih," pp. 76–79.
[30] Ibid., "Tribute of Yu," p. 99.
[31] Ibid., "Tribute of Yu," pp. 141–142.
[32] Ibid., "Against Luxurious Ease," p. 469.

to any excess in his excursions or his hunting, and from the various states he received only the correct amount of contribution."

The outstanding contribution of economic thought to the political theory of the Chou period is the "Tsing Tien" system[33] of land tenure and division. "Tsing" means "well" and is expressed in Chinese by a character shaped like the top of a square well where the cross-boards which are used for protecting the well's sides extend out from the opening, thus (井). "Tien" means "field" and it is written thus (田). If the "Tsing" character is put within a square, it is seen that we will have square portions of ground, or a field divided into nine equal or smaller squares. This is the "Tsing Tien" or the nine square system of dividing land.[34]

We shall let Mencius describe the system.[35]

"The Duke afterwards sent Peih Cheu to consult Mencius about the nine-squares system of dividing the land. Mencius said to him, 'Since your Prince, wishing to put in practice a benevolent government, has made choice of you and put you into his employment, you must exert yourself to the utmost. Now, the first thing towards a benevolent government must be to lay down the boundaries. If the boundaries are not defined correctly, the division of the land into squares will not be equal and the produce available for salaries will not be evenly distributed. On this account, oppressive rulers and impure ministers are sure to neglect this defining of the boundaries. When the boundaries have been defined correctly, the division of the fields and the regulation of the allowances may be determined by you, sitting at your ease.'

"Although the territory of Tang is narrow and small, yet there must be in it men of a superior grade, and there must be in it countrymen. If there were not men of superior grade, there would be none to rule the countrymen. If there were no countrymen, there would be none to support the men of superior grade.

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[33] For a more extensive consideration of the "Tsing Tien" system, see Chen Huan-Chang's "Economic Principles of Confucius and his School," pages 352–355 and 497–533.

[34] It may be of interest in passing to note that, when Salt Lake City, Utah, was laid out in 1847, a system similar to this was used. The city was divided into square wards which contained nine, ten-acre squares. Eight of these squares or "blocks" were deeded to private individuals but one was left vacant for common or public use.

[35] "Mencius," Bk. III, Pt. I, Ch. 3.

"I would ask you, in the remote districts, observing the nine-squares division, to reserve one division to be cultivated on the system of mutual aid, and in the more central parts of the kingdom, to make the people pay for themselves a tenth part of their produce.

"From the highest officers down to the lowest, each one must have his holy field, consisting of fifty mow.[36]

"Let the supernumerary males have their twenty-five mow.

"On occasions of death, or removal from one dwelling to another, there will be no quitting of the district. In the fields of a district, those who belong to the same nine-squares render all friendly offices to one another in their going out and coming in, aid one another in keeping watch and ward, and sustain one another in sickness. Thus the people are brought to live in affection and harmony.

"A square li covers nine squares of land, which nine squares contain nine hundred mow. The central square is the public field, and eight families, each having its private hundred mow, cultivate in common the public field. And not until the public work is finished may they presume to attend to their private affairs. This is the way by which the country-men are distinguished from those of the superior grade.

"Those are the great outlines of the system. Happily to modify and adapt it depends on the prince and you."

According to some scholars this system was never put into actual practice, but was merely a theory of the Confucian School. Probably the system was never so perfect as is supposed by the Confucian enthusiasts; still many of its elements must have been observed from very ancient times. According to Chinese historians it was understood and practiced before 2000 B. C. and Hwangti (2600 B. C.) is credited with being the originator.

During the Chou period the "Tsing Tien" system as a

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[36] The size of the ancient "mow" is not known. It was large enough for twenty-five mow to sustain an unmarried man and for fifty to sustain an officer. One hundred mow cared for a family which ordinarily consisted of the grandfather, the grandmother, the husband, the wife, and the children, the husband being the grandparent's eldest son. Extra fields were provided for other sons whom they might have and were given to them when they were sixteen. When such sons married and became heads of families themselves they received the regular 100 mow allotment. The modern "mow" is about one-sixth (1/6) of an acre. There is no uniformity as to size.

means of dividing land must have been recognized, although it undoubtedly differed in some respects in the amount of land distributed. In fact, the land must have varied in amounts according to the size of the family. Chen Huan-Chang tells us that in Confucius' time one-fifth of the public square was given over to providing land for the cottages of the eight families and that the remaining four-fifths was used for raising the grain for taxes. The well for all the families was in the public square. If the system was as described, each of the eight families would have one hundred mow and enough land extra for a house on the public square and each of the eight families would have to cultivate ten mow of the public square for taxes. Thus would be established a perfect tithing system of taxation in accordance with what the Confucian school held to be just. One-tenth of the grain raised constituted the "proper contribution."

Under the "Tsing Tien" system there was no real individual ownership of land; the title remained in the state, although the individual occupier had all the privileges of ownership. We learn from the Ch'un Ts'iu [37] that the "Tsing Tien" was a unit which was considered in making up a "Kew" from which the military levies were made. "One Kew or sixteen Tsing" furnished one warhorse and three oxen. Thus we see that at this period (Duke Ch'ing's dates are 590–573 B. C.) the personal theory of feudal sovereignty existed, for the levy was based on the number of people and not on ownership or amount of land.

With the end of the Chou period came also the destruction of "Tsing Tien" system of land division and in its place a personal land ownership system, which has lasted until this day, became started. And with definite land ownership came the idea of territorial sovereignty.

This change in the status of land marks the end of feudalism in China and the beginning of private ownership and wealth. The change came about naturally and made it possible for the state of Ts'in to become stronger than the surrounding states and led to their downfall and the supremacy of Ts'in which in turn made it possible for the proclaiming of the First Emperor of United China—Ts'in Shih Hwangti —in 220 B. C. Thus the foundation of the United Imperial

[37] Bk. VIII, First year of Duke Ch'ing. "Commentary" and translator's notes on page 337.

state rested upon what was a revolutionary economic conception.[38]

This is the story of the way in which this change was ushered in. About 350 B. C. when Shang Yang was minister of Ts'in, he noticed that the people were few in his own state and that there was more land than was needed. Therefore he invited people of the neighboring states to come over and take up land and promised them, if they would come, exemption from military service for three generations. Then he abolished the "Tsing Tien" system, opened up the roads and allowed the old "Tsing Tien" boundaries to be cultivated, and invited the people to take as much land as they wanted. This new land law made people rich, and inaugurated a revolution in China's economic history and from that time to this government was never again in control of the wealth of the various communities. In 216 B. C. Emperor Ts'in Shih Hwangti decreed that the people should themselves tell the amount of their land and from these declarations the amount of the land tax was regulated. Since Emperor Ts'in Shih Hwangti's time everyone has been permitted to sell and buy land. Nevertheless with the Confucian model before the people, there have been attempts to return to the "Tsing Tien" system but they have never been successful.

Under the Confucian system the "Tsing Tien" was a unit and ten of them made a village. This village, therefore, consisted of eighty families. In each village the aged and virtuous men were elected as patriarchs and justices. The rank of the patriarch was the same as the subordinates in the educational department and that of the justices the same as the common people who were employed about the government office.[39] They received double shares of land and were

[38] In connection with this thought and in the light of Chinese history, the following summary made from theories advanced by Daniel Webster are interesting. See Beard's "Economic Basis of Politics," p. 39.

1. The form of a government is determined (except where the sword rules) by nature and distribution of property.

2. Republican government rests upon a wide distribution of property particularly in land.

3. Government to be stable must be founded on men's interest.

4. Property to be secure must have a direct interest, representation and check on government.

5. Disturbances in countries arise principally from conflict of groups resulting in variations in form and distribution of property.

[39] See "Mencius," Bk. V, Pt. II, Ch. 2.

allowed to ride on horseback. As they came immediately from and were the people themselves, it is readily seen that the practice made for local self-government.

It should be noted that the Confucian system was more than a division of land. It actually created an economic and social community.[40] It is undoubtedly this fact that made it so dear to the followers of Confucius. It is said that Hwangti in originating the "Tsing Tien" system made four roads between eight houses and dug a well in the middle. The well created the community. The system was responsible for the following, it was claimed: First, it did not waste land because there was only one well for eight families. Second, it saved expense to each family because all were allowed to use the same well. Third, it unified the people and created common customs. Fourth, it led to an improvement in productive arts because one person could imitate another. Fifth, it made the exchange of commodities easy. Sixth, during absence of some there were always others to act as guards for the whole property. Seventh, there was mutual care of one another. Eighth, marriage was stimulated. Ninth, in case of need the people lent wealth to one another. Tenth, in time of sickness they cared for one another. "Therefore their feelings were harmonized without quarrels and litigation; and their wealth was equalized without deceit or oppression."

Hwangti set bounds and made measures; Yu drained the land and developed the irrigation ditch; the "Tsing Tien" system and the common well fostered community life. Those are statements of history. From such historical facts Hsun Tzu deducts the theory that men organize in society to conquer the natural things for economic use and the Confucian school accepts the further deduction that "the commencement is the family and the state, the consummation is in the Empire."[41]

Thus at every period of the Chinese conception of the state's development, the economic achievement has been the outstanding fact. The economic good of the people has been the aim of the model rulers, the ideal desired by the philosophers and the point put forth by the officers in justifying their governments.

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[40] According to the tithing system recognized in Old English Law, the ten neighboring householders were sureties for the good behavior of each other.

[41] "Shu King," "Instruction of E," Bk. IV, Ch. III.

Chapter VII

STATE AND GOVERNMENTAL THEORIES

"When sages appeared, tripping people over charity and fettering with duty to one's neighbour, doubt found its way into the world. And then, with their gushing over music and fussing over ceremony, the empire became divided against itself." [1]

In this chapter it is my purpose to call attention to theories which are evident as having been recognized and held as conceptions of state and government by thinkers of the Chou period. The chapter does not aim to be exhaustive either as to subjects or as to material under a given heading. I have arranged the ideas alphabetically for convenience in reference.

Anarchy

Chuang Tzu, Lieh Tzu, and Yang Chu, in their opposition to Confucianism, stand out as opponents to governmental theories which were set up as the ideal. But they carried their reasoning further. They were not only opposed to a particular government but they condemned all government. Any institution which put restraint on nature, or any thought which created false (to them) standards of high and low among people or of the favored or preferred among creatures, was bad and was held to be contrary to the great scheme of things.

Western thought until, let us say, the time of Darwin, generally accepted the theory that all things were created in the world for man's good. Man, at least, was the ultimate aim of God's creations. Lieh Tzu would not accept such a doctrine. There can be no harmony, he maintained, among all things, with a theory that creation is for one. His was the most genuine of anarchies. "The misery I suffer comes from overattention to myself, and the troubles of the empire from overregulation in everything." [2]

The logic of the man who sees the universe created for

[1] Giles' "Chuang Tzu," "Horses Hoofs," p. 108.
[2] Giles, L., "Taoist Teachings," "The Yellow Emperor," p. 37.

mankind will not hold, he taught. "Mr. T'ien of the Ch'i state was holding an ancestral banquet in his hall to which a thousand guests were bidden. As he sat in their midst, many came up to him with presents of fish and game. Eying them approvingly he exclaimed with unction: 'How generous is Almighty God to man! He makes the five kinds of grain to grow, and creates the finny and the feathered tribes especially for our benefit.' All Mr. T'ien's guests applauded this sentiment to the echo; but the twelve-year-old son of Mr. Pao, regardless of seniority, came forward and said: 'You are wrong, my lord, all living creatures . . . stand in the same category as ourselves. . . . None of them are produced in order to subserve the use of others. Man catches and eats those that are fit for food, but how can it be maintained that God creates these for man? Mosquitoes and gnats suck man's blood, and tigers and wolves devour his flesh; but we do not, therefore, assert that God created man expressly for the benefit of mosquitoes and gnats and for food for tigers and wolves.'" [3]

Chuang Tzu shows contempt for government and he shows the inability of man to become a wise ruler by practicing wisdom or handicraftsmanship of government. Nature is the only guide to success.

"T'ien Ken (of whom nothing is known) was travelling on the south of the Yin mountain. He had reached the river Liao when he met a certain Sage to whom he said, 'I beg to ask about the government of the empire.'

"'Begone!' cried the Sage. 'You are a low fellow, and your question is ill timed. God has just turned me out a man. That is enough for me. Borne on light pinions I can soar beyond the cardinal points, to the land of nowhere, in the domain of nothingness. And you come to worry me with government of the Empire!'

"But T'ien Ken enquired a second time, and the Sage replied, 'Resolve your mental energy into abstraction, your physical energy into inaction. Allow yourself to fall in with the natural order of phenomena, without admitting the element of self,—and the empire will be governed.' [By virtue of natural laws which lead, without man's interference, to the end desired.]

"Yang Tzu Chu went to see Lao Tzu, and said, 'Suppose

[3] Giles, L., "Taoist Teachings," "Lieh Tzu," p. 120.

a man were ardent and courageous, acquainted with the order and principles of things, and untiring in the pursuit of Tao—would he be accounted a wise ruler?'

"'From the point of view of a truly wise man,' replied Lao Tzu, 'such a one would be a mere handicraftsman, wearing out body and mind alike. The tiger and the pard suffer from the beauty of their skins. The cleverness of the monkey, the tractability of the ox, bring them both to the tether. It is not on such grounds that a ruler may be accounted wise.'

"'But in what, then,' cried Yang Tzu Chu, 'does the government of a wise man consist?'

"'The goodness of a wise ruler,' answered Lao Tzu, 'covers the whole empire, yet he himself seems to know it not. It influences all creation, yet none is conscious thereof. It appears under countless forms, bringing joy to all things. It is based upon the baseless, and travels through the realms of Nowhere.' [The operation of true government is invisible to the eye of man.]" [4]

"Let things alone," is the solution of the present unhappy state. Man has tried to improve on nature and he has, of course, failed. We read:

"He then prostrated himself, and desired to be allowed to interrogate the Vital Principle; but the latter said, 'I wander on without knowing what I want. I roam about without knowing where I am going. I stroll in this ecstatic manner, simply awaiting events. What should I know?'

"'I too roam about,' answered the Spirit of the Clouds; 'but the people depend upon my movements. I am thus unavoidably summoned to power; and under these circumstances I would gladly receive some advice.'

"'That the scheme of empire is in confusion,' said the Vital Principle, 'that the conditions of life are violated, that the will of God does not triumph, that the beasts of the field are disorganized, that the birds of the air cry at night, that blight reaches the trees and herbs, that destruction spreads among creeping things,—this, alas! is the fault of government.'

"'True,' replied the Spirit of the Clouds, 'but what am I to do?'

"'It is here,' cried the Vital Principle, 'that the poison lurks! Go back!' [To the root, to that natural state in which by inaction all things are accomplished.]

[4] Giles' "Chuang Tzu," "How to Govern," pp. 93, 94.

"'It is not often,' urged the Spirit of the Clouds, 'that I meet with your Holiness. I would gladly receive some advice.'

"'Feed then your people,' said the Vital Principle, 'with your heart. [By the influence of your own perfection.] Rest in inaction, and the world will be good of itself. Cast your slough. Spit forth intelligence. Ignore all differences. Become one with the infinite. Release your mind. Free your soul. Be vacuous. Be Nothing.

"'Let all things revert to their original constitution. If they do this, without knowledge, the result will be a simple purity which they will never lose; but knowledge will bring with it a divergence there from. Seek not the names nor the relations of things, and all things will flourish of themselves.'" [5]

While the thought is not in accord with the teachings of an anarchist, we nevertheless find running throughout even the teachings of the Confucianists that the man who goes into politics loses somewhat of his purity, an idea not unheard in our present day.

"Ke-Tsze is one who maintains his purity. Although he might have had the state, he refused to be the ruler." [6]

And Mencius recognized the desire to rule as a failing. "The superior man has three things in which he delights, and to be a ruler over the Kingdom is not one of them." [7]

Chuang Tzu taught that government by its immoral practices condemned itself. "A petty thief is put in jail. A great brigand becomes a ruler of a state. And among the retainers of the latter, men of virtue will be found.

"Of old, Duke Huan, named Hsiao Poh, slew his elder brother, and took his sister-in-law to wife. Yet Kuan Chung became his minister.

"T'ien Ch'eng Tzu killed his prince and seized the Kingdom. Yet Confucius accepted his pay.

"To condemn a man in words, yet actually to take service under him—does not this show us practice and precept directly opposed to one another?

"Therefore it is written, 'Who is bad? Who is good? He who succeeds is the head. He who does not succeed is the tail." [8]

Thus Chuang Tzu points out and condemns a condition

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[5] Giles' "Chuang Tzu," "On Letting Alone," p. 130.
[6] "Ch'un Ts'iu," "Duke Seang," XXXI, p. 565.
[7] "Mencius," Bk. VII, Pt. I, Ch. 20.
[8] Giles' "Chuang Tzu," "Robber Che," p. 398.

which Machiavelli many hundred years afterward, but at a time very much like Chuang Tzu's period, also pointed out but did not condemn.

Chuang Tzu further shows that it was ever the aim of the prince to rule and the method of ruling mattered not. He showed that the Chinese make a model of Yao, who killed his son; of Shun, who banished his mother's brother; of T'ang, who deposed Chieh; and of Wu Wang, who slew Chou. They were all worthies of government and governments gave them their support. Governments are not and cannot be held to moral law, and Chuang Tzu thereby proves that the Chinese, in spite of their belief in the teaching of Confucius that government rests on the virtue of the ruler, separate morals from politics and therefore they stand condemned as supporters of that which is false.

The short preachments, "Horses Hoofs," and "Opening Trunks," seem to me to be the gems of Chuang Tzu's anarchistic teachings; therefore I shall quote them in full.

Horses' Hoofs

"Argument: Superiority of the natural over the artificial—application of this principle to government.

"Horses have hoofs to carry them over frost and snow; hair, to protect them from wind and cold. They eat grass and drink water, and fling up their heels over the champaign. Such is the real nature of horses. Palatial dwellings are of no use to them.

"One day Poh Loh appeared, saying, 'I understand the management of horses.'

"So he branded them, and clipped them, and pared their hoofs, and put halters on them, tying them up by the head and shackling them by the feet, and disposing them in stables, with the result that two or three in every ten died. Then he kept them hungry and thirsty, trotting them and galloping them, and grooming, and trimming, with the misery of the tasselled bridle before and the fear of the knotted whip behind, until more than half of them were dead.

"The potter says, 'I can do what I will with clay. If I want it round, I use compasses; if rectangular, a square.'

"The carpenter says, 'I can do what I will with wood. If I want it curved, I use an arc; if straight, a line.'

"But on what grounds can we think that the natures of clay and wood desire this application of compasses and square, of arc and line? Nevertheless, every age extols Poh Loh for his skill in managing horses, and potters and carpenters for their skill with clay and wood. Those who govern the empire make the same mistake.

"Now I regard government of the empire from quite a different point of view.

"The people have certain natural instincts;—to weave and clothe themselves, to till and feed themselves. These are common to all humanity, and all are agreed thereon. Such instincts are called 'Heaven-sent.'

"And so in the days when natural instincts prevailed, men moved quietly and gazed steadily. At that time, there were no roads over mountains, nor boats, nor bridges over water. All things were produced, each for its own proper sphere. Birds and beasts multiplied; trees and shrubs grew up. The former might be led by the hand; you could climb up and peep into the raven's nest. For then man dwelt with birds and beasts, and all creation was one. There were no distinctions of good and bad men. Being all equally without knowledge, their virtue could not go astray. Being all equally without desires, they were in a state of natural integrity, the perfection of human existence.

"But when Sages appeared, tripping people over charity and fettering with duty to one's neighbour, doubt found its way into the world. And then, with their gushing over music and fussing over ceremony, the empire became divided against itself. [Music and ceremonies are important factors in the Confucian system of government.]

"Were the natural integrity of things left unharmed, who could make sacrificial vessels? Were white jade left unbroken, who could make the regalia of courts? Were Tao not abandoned, who could introduce charity and duty to one's neighbour? Were man's natural instincts his guide, what need would there be for music and ceremonies? Were the five colours not confused, who would practice decoration? Were the five notes not confused, who would adopt the six pitch-pipes?

"Destruction of the natural integrity of things, in order to produce articles of various kinds,—this is the fault of the artisan. Annihilation of Tao in order to practice charity and duty to one's neighbour,—this is the error of the Sage.

"Horses live on dry land, eat grass and drink water. When pleased, they rub their necks together. When angry, they turn round and kick up their heels at each other. Thus far only do their natural dispositions carry them. But bridled and bitted, with a plate of metal on their foreheads, they learn to cast vicious looks, to turn the head to bite, to resist, to get the bit out of the mouth or the bridle into it. And thus their natures become depraved,—the fault of Poh Loh.

"In the days of Ho Hsu (a legendary ruler of old) the people did nothing in particular when at rest, and went nowhere in particular when they moved. Having food, they rejoiced; having full bellies, they strolled about. Such were the capacities of the people. But when the Sages came to worry them with ceremonies and music in order to rectify the form of government, and dangled charity and duty to one's neighbour before them in order to satisfy their hearts,—then the people began to develop a taste for knowledge and to struggle one with the other in their desire for gain. This was the error of the Sages." [9]

"The simplicity of style, and general intelligibility of this chapter have raised doubts as to its genuineness. But as Lin Hsi Chung justly observes, its sympathetic tone in relation to dumb animals stamps it, in spite of an undue proportion of word to thought, as beyond reach of the forger's art" (Giles).

Opening Trunks

"Argument:—All restrictions artificial, and therefore deceptive—Only by shaking off such fetters, and reverting to the natural, can man hope to attain.

"The precautions taken against thieves who open trunks, search bags, or ransack tills consist of securing with cords and fastening with bolts and locks. This is what the world calls wit.

"But a strong thief comes who carries off the till on his shoulders, with box and bag to boot. And his only fear is that the cords and locks should not be strong enough!

"Therefore, what the world calls wit simply amounts to assistance given to the strong thief.

"And I venture to state that nothing of that which the world calls wit is otherwise than serviceable to strong thieves;

[9] Giles' "Chuang Tzu," pp. 106–109.

and that nothing of that which the world calls wisdom is other than a protection to strong thieves.

"How can this be shown?—In the State of Ch'i a man used to be able to see from one town to the next, and hear the barking and crowing of its dogs and cocks. The area covered by the nets of fishermen and fowlers, and pricked by the plough, was a square of two thousand and odd li. [Of which three go to a mile, roughly. This statement is intended to convey an idea of prosperity.] And within its four boundaries not a temple or shrine was dedicated, nor a district or hamlet governed, but in accordance with the rules laid down by the Sages.

"Yet one morning (481 B. C.) T'ien Ch'eng Tzu slew the Prince of Ch'i, and stole his kingdom. And not his kingdom only, but the wisdom-tricks which he had got from the Sages as well; so that, although T'ien Ch'eng Tzu acquired the reputation of a thief, he lived as comfortably as ever did either Yao or Shun. The small States did not venture to blame, nor the great States to punish him; and so for twelve generations his descendants ruled over Ch'i. [Commentators have failed to explain away this last sentence. On the strength of an obvious anachronism, some have written off the whole chapter as a forgery; but the general style of argument is against this view.] Was not this stealing the State of Ch'i and the wisdom-tricks of the Sages as well in order to secure himself from the consequences of such theft?

"This amounts to what I have already said, namely, that nothing of what the world esteems great wit is otherwise than serviceable to strong thieves, and that nothing of what the world calls great wisdom is other than a protection to strong thieves.

"Let us take another example. Of Old, Lung Feng was beheaded. Pi Kan was disembowelled, Chang Hung was sliced to death, Tzu Hsu was chopped to mince-meat. [Chang Hung was minister to Prince Ling of the Chou dynasty. Tzu Hsu was a name of the famous Wu Yuan, prime minister of the Ch'u State, whose corpse is said to have been sewn up in a sack and thrown into the river near Soochow.] All these four were Sages, but their wisdom could not preserve them from death. [In fact, it rather hastened their ends.]

"An apprentice to Robber Che asked him saying, 'Is there then Tao in thieving?'

"'Pray tell me of something in which there is not Tao,' Che replied. 'There is the wisdom by which booty is located. The courage to go in first, and the heroism of coming out last. There is the shrewdness of calculating success, and justice in the equal division of the spoil. There has never yet been a great robber who was not possessed of these five.'

"Thus the doctrine of the Sages is equally indispensable to good men and to Che. But good men are scarce and bad men plentiful, so that the good the Sages do to the world is little and the evil great.

"Therefore it has been said, 'If the lips are gone, the teeth will be cold.' It was the thinness of the wine of Lu which caused the siege of Han Tan. [The prince of Ch'u held an assembly, to which the princes of Lu and Chao brought presents of wine. That of Lu was poor stuff, while the wine of Chao was rich and generous. Because, however, the Master of the Cellar to the prince of Ch'u failed to get a bribe of wine from the prince of Chao, he maliciously changed the presents; and the prince of Ch'u, displeased at what he regarded as an insult, shortly after laid siege to Han Tan, the chief city of Chao.] It was the appearance of Sages which caused the appearance of great robbers.

"Drive out the Sages and leave the robbers alone,—then only will the empire be governed. As when the stream ceases the gully dries up, and when the hill is levelled the chasm is filled; so when Sages are extinct, there will be no more robbers, but the empire will rest in peace.

"On the other hand, unless Sages disappear, neither will great robbers disappear; nor if you double the number of Sages wherewithal to govern the empire will you do more than double the profits of Robber Che.

"If pecks and bushels are used for measurement, they will also be stolen. [There will simply be something more to steal.] If scales and steelyards are used for weighing, they will also be stolen. If tallies and signets are used for good faith, they will also be stolen. If charity and duty to one's neighbour are used for rectification, they will also be stolen.

"How is this so?—One man steals a purse, and is punished. Another steals a State, and becomes a Prince. But Charity and duty to one's neighbour are integral parts of princedom. Does he not then steal charity and duty to one's neighbour together with the wisdom of the Sages?

"So it is that to attempt to drive out great robbers (who steal States) is simply to help them to steal principalities, charity, duty to one's neighbour, together with measures, scales, tallies, and signets. No reward of official regalia and uniform will dissuade, nor dread of sharp instruments of punishment will deter such men from their course. These do but double the profits of robbers like Che, and make it impossible to get rid of them,—for which the Sages are responsible.

"Therefore it has been said, 'Fishes cannot be taken away from water: the instruments of government cannot be delegated to others.' [These words were uttered by Lao Tzu. So say Han Fei Tzu and Huai Nan Tzu. They have been incorporated in Ch. xxxvi of the Tao-Teh-King.]

"In the wisdom of Sages the instruments of government are found. This wisdom is not fit for enlightening the world.

"Away then with wisdom and knowledge, and great robbers will disappear! Discard jade and destroy pearls, and petty thieves will cease to exist. Burn tallies and break signets, and the people will revert to their natural integrity. Split measures and smash scales, and the people will not fight over quantities. Utterly abolish all the restrictions of Sages, and the people will begin to be fit for the reception of Tao.

"Confuse the six pitch-pipes, break up organs, and flutes, stuff up the ears of Shih K'uang,—and each man will keep his own sense of hearing to himself.

"Put an end to decoration, disperse the five categories of colour, glue up the eyes of Li Chu,—and each man will keep his own sense of sight to himself.

"Destroy arcs and lines, fling away square and compasses, snap off the fingers of Kung Ch'ui,— [A famous artisan who could draw an exact circle with his unaided hand.] and each man will use his own natural skill.

"Wherefore the saying, 'Great skill is as clumsiness.' [Extremes meet. These words are attributed to Lao Tzu by Huai Nan Tzu, and are incorporated in Ch. xlv of the Tao-Teh-King.]

"Restrain the actions of Tseng and Shih, stop the mouths of Yang and Mo, get rid of charity and duty to one's neighbour,—and the virtue of the people will become one with God.

"If each man keeps to himself his own sense of sight, the world will escape confusion. If each man keeps to himself his own sense of hearing, the world will escape entanglements. If each man keeps his knowledge to himself, the world will escape doubt. If each man keeps his own virtue to himself, the world will avoid deviation from the true path.

"Tseng, Shih, Yang, Mih, Shih K'uang, Kung Ch'ui, and Li Chu all set up their virtue outside themselves and involve the world in such angry discussions that nothing definite is accomplished.

"Have you never heard of the Golden Age,—[This question must be addressed to the reader.] the days of Yung Ch'eng, Ta T'ing, Poh Huang, Chung Yang, Li Lu, Li Hsu, Hsien Yuan, He Hsu, Tsun Lu, Chu Yung, Fu Hsi, and Shen Nung? [Ancient rulers, several of whom have already been mentioned.] Then the people used knotted cords. [As a means of intercommunication. The details of the system have not, however, come down to us. Supposed to be the Qui-pu.] They were contented with what food and raiment they could get. They lived simple and peaceful lives. Neighbouring districts were within sight, and the cocks and dogs of one could be heard in the other, yet the people grew old and died without ever interchanging visits.

"In those days, government was indeed perfect. But nowadays any one can excite the people by saying, 'In such and such a place there is a Sage.'

"Immediately they put together a few provisions and hurry off, neglecting their parents at home and their master's business abroad, filing in unbroken line through territories of Princes, with a string of carts and carriages a thousand li in length. Such is the evil effect of an exaggerated desire for knowledge among our rulers. And if rulers aim at knowledge and neglect Tao, the empire will be overwhelmed in confusion.

"How can it be shown that this is so?—Bows and cross-bows and hand-nets and harpoon-arrows, involve much knowledge in their use; but they carry confusion among the birds of the air. Hooks and bait and nets and traps involve much knowledge in their use; but they carry confusion among the fishes of the deep. Fences and nets and snares involve much knowledge in their use; but they carry confusion among the beasts of the field. In the same way the sophistical fallacies of

the hard and white and the like and the unlike of schoolmen involve much knowledge of argument; but they overwhelm the world in doubt.

"Therefore it is that whenever there is great confusion, love of knowledge is ever at the bottom of it. For all men strive to grasp what they do not know, while none strive to grasp what they already know; and all strive to discredit what they do not excel in, while none strive to discredit what they do excel in. The result is overwhelming confusion.

"Thus, above, the splendour of the heavenly bodies is dimmed; below, the energy of land and water is disturbed; while midway the influence of the four seasons is destroyed. There is not one tiny creature which moves on earth or flies in air but becomes other than by nature it should be. So overwhelming is the confusion which desire for knowledge has brought upon the world ever since the time of the Three Dynasties downwards! The simple and the guileless have been exalted. Tranquil inaction has given place to a love of disputation; and by disputation has confusion come upon the world."[10]

Chivalry

The dominant spirit of Japanese Bushido owes much to the theories of Confucian propriety. The way of the gentleman soldier was to a great extent worked out in the Chou period. I shall cite two examples.

The Duke of Sung with a defeated army ordered a retreat and his soldiers were ready for flight when Puh of Ch'oo said to him, "A small man like myself can take the opportunity to die for you, but I cannot escort you in your flight." This act caused a reconsideration and defeat was turned into victory.

Tso relates this incident:

"These two chariots met, and Shing was withdrawing, when Hwa P'aou called out, 'Shing!' on which he was angry and returned (to the fight). As he was adjusting his arrow to the string, P'aou had already bent his bow. (Shing) said, 'May the powerful influence of Duke P'ing (now) assist me!' On this the arrow of P'aou went past him (and Tsze luh). (Again) he was adjusting his arrow, when (P'aou) had again bent his bow. 'If you don't let me return your shot,' said

[10] Giles' "Chuang Tzu," "Opening Trunks," pp. 110–118.

(Shing), 'it will be mean.' (P'aou on this) took away his arrow, and Shing shot him dead." [11]

Communism

Confucius recognized the right in private property and he supported the private ownership of wealth. In regard to land we have seen that under the "Tsing T'ien" system, while the possessor held a trusteeship which practically amounted to ownership, in theory he did not have the absolute right to it. The thinker argued that wealth was produced by Heaven and earth and, since nature is thus a coöperator in production, no one could make a claim to absolute ownership just from occupation or as a result of labor. Hence, distribution of wealth must be according to the needs of society. These needs the government appreciates because it is always personal and responsible. In Chinese thought there is a fusion of parental, paternal, and communistic ideas. This must necessarily follow as the state is conceived as an immense family, and government the personal instrument through which the family affairs are administered.

In the "Ch'un Ts'iu" [12] we read: "There was a great want of wheat and rice. Tsan-sun Shin represented the case to Ts'i (and obtained leave) to buy grain there." From this quotation we learn that there was not free trade between the various states at that time; but that the government saw to it that the necessary amount of grain was provided for the people's needs. From the commentary we are informed that the good state always kept three years' supply on hand. The efficient magistrate in China to this day will see to it that his granaries are well supplied.[13]

The following mixture of statesmanship and superstition, or, shall we say, theory and practice, taken from Tso's "Commentary," is interesting in this connection:

"The duke wished, in consequence of the drought, to burn a witch and a person much emaciated. Ts'ang Wang-chung said to him, 'That is not the proper preparation in a time of drought. Put in good repair your walls, the inner and the outer; lessen your food; be sparing in all your expenditure.

[11] Tso's "Commentary," p. 689.

[12] "Ch'un Ts'iu," "Duke of Chwang," XXVIII, p. 114.

[13] For incident of free distribution of grain by the state in the Chou period see "Ch'un Ts'iu," p. 548.

Be in earnest to be economical, and encourage people to help one another;—this is the most important preparation. What have the witch and the emaciated person to do with the matter? If Heaven wish to put them to death, it had better not have given them life. If they can really produce drought to burn them will increase the calamity.' The duke followed his advice; and that year, the scarcity was not very great. (In the Li Ki (II, pt. II, iii 29), there is an account of exposing in the sun, in a time of drought, a person in a state of emaciation, with the hope that Heaven would have pity on him, and send down rain.)" [14]

Mencius suggests state or community ownership of the seed at the time of planting and of the grain at the time of harvest when he says: "In the spring they examined the ploughing, and supplied deficiency of seed; in the autumn they examined the reaping, and supplied any deficiency in yield." [15]

General Will

"Universal Voice," "Common Consciousness," "Vox populi, Vox dei," "Heaven sees as the people see, Heaven hears as the people hear," are all principles for which we may cite many illustrations. Mencius does not content himself merely with citing precedents from ancient history to support this principle, but he boldly affirmed that the people are the sole source of power in the state. "The emperor can present a man to Heaven, but he cannot make Heaven give that man the empire. A prince can present a man to the emperor, but he cannot cause the emperor to make that man a prince. A great officer can present a man to the prince, but he cannot cause the prince to make that man a great officer. Yao presented Shun to Heaven, and the people accepted him." [16]

"When a state is about to flourish, its ruler receives his lesson from the people." [17]

"A man of Ch'ing rambled into a village school and fell discoursing about the conduct of the government.

"(In consequence) Jen-Ming proposed to Tsze-Ch'an to destroy (all) the village schools; but the minister said, 'Why do so? If people retire morning and evening, and pass their

[14] Tso's "Commentary," p. 180.
[15] "Mencius," Bk. I, Pt. II, Ch. 4.
[16] Ibid., Bk. V, Pt. I, Ch. 5.
[17] Tso's "Commentary," p. 120.

judgment on the conduct of the government, as being good or bad, I will do what they approve of, and I will alter what they condemn; they are my teachers. On what ground should I destroy (those schools?)'" [18]

"When T'ang, the Successful, was keeping Kee in banishment in Nan-ch'aou, he had a feeling of shame on account of his conduct, and said, 'I am afraid that in future ages men will fill their mouths with me.'" [19]

"Where the strength is the same, measure the virtue of the parties; where the virtue is the same, measure their righteousness. Show has hundreds of thousands and myriads of ministers, but they have hundreds of thousands and myriads of minds; I have three thousand ministers, but they have one mind. The iniquity of Shang is full. Heaven gives command to destroy it. If I did not comply with Heaven, my iniquity would be as great." [20]

"At this time nearly all the leaders of the army wished to fight, and some one said to Lwan Woo-tsze, 'The sages found the way to success in the agreement of their wishes and those of the multitude. Why not (now) follow the multitude? You are commander-in-chief, and should decide according to the views of the people. Of your eleven assistant commanders there are only three who do not wish to fight;—those who wish to fight may be pronounced a great majority. One of the Books of the Shang-shoo (Shu V, iv, 24) says, 'When three men obtain and interpret the indications and symbols, two (consenting) are to be followed;—the two being the majority.' Woo-tsze said, (To follow) the best is as good as to follow the multitude. The best are the lords of the multitude. Such are the three high ministers (who advise against fighting);—they may be called a majority. Am I not doing also what is proper in following them?" [21]

I Am the State

Kung-Yang,[22] in his commentary of the Ch'un Ts'iu, advances the doctrine that the ruler and the state are one, as follows:

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[18] Tso's "Commentary," p. 566.
[19] "Shu King," 2nd Book of Shang, p. 177.
[20] Ibid. (The Books of Chou), "The Great Declaration," p. 287.
[21] Tso's "Commentary," p. 361.
[22] Kung-Yang's "Commentary," p. 60.

"How many generations removed from him was the remote ancestor?

"Nine.

"May an injury be avenged after nine generations?

"Yes, even after a hundred.

"May (the head of) a clan take such vengeance?

"No.

"Why then may (the ruler of) a state do it?

"The ruler and the state are one. The disgrace of a former ruler is the same as the disgrace of the ruler of to-day. The disgrace of the ruler of to-day is the same as the disgrace of a former ruler.

"How are the ruler and the state considered as one?

"The ruler regards the state as his body, and one ruler comes after another;—hence the ruler and the state form one body."

Kung-Yang also taught that the fate of the ruler of the state was bound up with the fate of the state, that the state and the ruler cannot be separated.

From Tso's "Commentary" I have taken the following:

"Sin said, 'When a ruler punishes a subject, who dare count him an enemy for it? The ruler's order is (the will of) Heaven. If a man dies by the will of Heaven, who can be regarded as the enemy?'" [23]

Laissez Faire

Economically, the Chinese have been practically free. Except for a few laws regulating consumption the people have been able to do about as they pleased. So free has the economic life been that even to-day commerce may be said to be governed more by custom than by law.

Politically, while the Confucian school has been in favor of social rules and legislation, the Confucianists generally have followed the golden mean of their Master and have not been extremists either for or against regulation. According to the classical teachings restrictions should not be put on trade, and Mencius says, "Impose no restrictions on the sale of grain." [24]

For extreme views we may turn to Chuang Tzu.

"There has been such a thing as letting mankind alone;

[23] Tso's "Commentary," p. 757.

[24] "Mencius," Bk. VI, Pt. 2, Ch. 8.

there has never been such a thing as governing mankind (with success).

"Letting alone springs from fear lest men's natural dispositions be perverted and their virtue be laid aside. But if their natural dispositions be not perverted nor their virtue laid aside, what room is there left for government?" [25]

Chuang Tzu is opposed to any kind of regulation because it always leads to confusion.

"Of old, when Yao governed the empire he caused happiness to prevail to excess in man's nature; and consequently the people were not satisfied. When Chieh governed the empire he caused sorrow to prevail to excess in man's nature; and consequently the people were not contented. Dissatisfaction and discontent are subversive of virtue. . . . When man rejoices greatly he gravitates towards the positive pole, when he sorrows deeply he gravitates toward the negative pole. . . . Because men are made to rejoice and to sorrow and to displace their center of gravity, they lose their steadiness and are unsuccessful in thought and action. And thus it is that the idea of surpassing others first came into the world, followed by the appearance of such men as the Robber Che . . . the result being that the whole world could not furnish enough rewards for the good or distribute punishments enough for the evil among mankind. And as this great world is not equal to the demand for rewards and punishments; and as even since the time of the Three Dynasties downwards, men have done nothing but struggle over rewards or punishments[26] (the world has been in confusion)."

Chuang Tzu causes the Robber Che to point out that the same methods are used in thieving as are used in regulating and governing. Both arts have been given similar characteristics. In government there are wisdom, courage, heroism, shrewdness, and justice. In thieving, "There is wisdom by which booty is located. The courage to go in first and the heroism of coming out last. There is the shrewdness of calculating success and justice in the equal division of the spoil.[27] Great governors and great robbers possess all five attributes.

[25] Giles' "Chuang Tzu," "On Letting Alone," Ch. XI.

[26] This thought should be compared with the following from Hobbes, "The Leviathan," Pt. I, Ch. 13, p. 64: "So that in the nature of man, we find three principal causes of quarrel. First, competition; secondly, diffidence; thirdly, glory. The first, maketh men invade for gain; the second, for safety; and the third, for reputation."

[27] Giles' "Chuang Tzu," "Opening Trunks," p. 112.

"Man Is a Political Animal"

Mencius condemns Ch'au Chung who attempts to live an unsocial life by withdrawing himself from all human associations, lest he should be defiled by them. "With such principles as Chung holds, a man must be an earth-worm, and then he can carry them out." [28]

Patriotism

Patriotism is a vital thing and the empire is a great trust, but not to sacrifice one's life for it is precisely where the man of Tao differs from the man of the world.

"Yao offered to resign the empire to Hsu Yu, but the latter declined.

"He then offered it to Tzu Chou Chih Fu, who said, 'There is no objection to making me emperor. But just now I am suffering from a troublesome disease, and am engaged in trying to cure it. I have no leisure to look after the empire.'

"Now the empire is of paramount importance. Yet here was a man who would not allow it to injure his chance of life. How much less then would he let other things do so? Yet it is only he who would do nothing in the way of government who is fit to be trusted with the empire.

"Shun offered to resign the empire to Tzu Chou Chih Poh. The latter said, 'Just now I am suffering from a troublesome disease, and am engaged in trying to cure it. I have no leisure to look after the empire.'

"Now the empire is a great trust; but not to sacrifice one's life for it is precisely where the man of Tao differs from the man of the world.

"Shun offered to resign the empire to Shan Chuan. Shan Chuan said, 'I am a unit in the sum of the universe. In winter I wear fur clothes. In summer I wear grass-cloth. In spring I plough and devote myself to rest and enjoyment. At dawn I go to work; at sunset I leave off. Contented with my lot I pass through life with a light heart. Why then should I trouble myself with the empire? Ah, Sir, you do not know me.'

"So he declined, and subsequently hid himself among the mountains, nobody knew where.

"Shun offered the empire to a friend, a labourer of Shih Hu.

[28] "Mencius," Bk. III, Pt. II, Ch. 10.

"'Sire,' said the latter, 'you exert yourself too much. The chief thing is to husband one's strength;'—meaning that in point of real virtue Shun had not attained.

"Then, husband and wife, bearing away their household gods and taking their children with them, went off to the sea and never came back.

"When T'ai Wang Shan Fu was occupying Pin, he was attacked by savages. He offered them skins and silk, but they declined these. He offered them dogs and horses, but they declined these also. He then offered them pearls and jade, but these too they declined. What they wanted was the territory." [29]

In the case of Tau Hsueh who fled from a princeship because of the dangers of ruling, in that three rulers before him had been put to death, Chuang Tzu honors Tau Hsueh for attempting to flee because he showed that he was unwilling to sacrifice himself to the state. In Chuang Tzu's estimation this made Tau Hsueh the type of man which the people should desire in a ruler.

In the incident concerning Ta'i Wang Shau Fu, Chuang Tzu implies that even a savage knows the source of power in a state, namely, the territory. The true follower of Tao hates both wealth and power. The source of power is wealth and men who seek power are like the savages.

"Wherefore it has been said that the best part of Tao is for self culture, the surplus for governing a state, and the dregs for governing the Empire. From which we may infer that the great deeds of kings and princes are but the leavings of the Sage. For preserving the body and nourishing vitality, they are of no avail. Yet the superior men of today endanger their bodies and throw away their lives in their greed for the things of the world. Is not this pitiable?" [30]

As a result of such teachings a spirit of almost indifference toward government, and even toward life, has grown so extensively and so long that the average Chinese attitude toward things in general is even more than indifference. "Things are, as they are, because they are," and one might add, "there is no help for it" ("Shi-kata ga nai" in Japanese). Such sentiments picture the attitude of the great Chinese mass in action and in thought. "Mind your own business," "Laissez

[29] Giles' "Chuang Tzu," "On Declining Power," p. 370.
[30] Giles' "Chuang Tzu," "On Declining Power," p. 375.

faire," "Let the dead bury the dead," "Why worry?" are all Chinese in feeling. To help a person in distress only makes things worse. It causes two to be ill at ease where only one was suffering before and the distressed one is really no better off for the sympathy. It is all very deep, very philosophical, and probably very true.

The reader who has had experience with the Chinese "Squeeze" will hardly accept the following as Chinese. Nevertheless, it is true to early Taoist philosophy and ideals.

"When Prince Chao of the Ch'u State lost his kingdom, he was followed into exile by his butcher, named Yueh.

"On his restoration, as he was distributing rewards to those who had remained faithful to him, he came to the name of Yueh.

"Yueh, however, said, 'When the prince lost his kingdom, I lost my butchery. Now that the prince has got back his kingdom, I have got back my butchery. I have recovered my office and salary. What need for further reward?'

"On hearing this, the prince gave orders that he should be made to take his reward.

"'It was not through my fault,' argued Yueh, 'that the prince lost his kingdom, and I should not have taken the punishment. Neither was it through me that he got it back, and I cannot therefore accept the reward.'

"When the prince heard this answer, he commanded Yueh to be brought before him. But Yueh said, 'The laws of the Ch'u State require that a subject shall have deserved exceptionally well of his prince before being admitted to an audience. Now my wisdom was insufficient to preserve this kingdom, and my courage insufficient to destroy the invaders. When the Wu soldiers entered Ying, I feared for my life and fled. That was why I followed the prince and if now the prince wishes to set law and custom aside and summon me to an audience, this is not my idea of proper behavior on the part of the prince.'

"'Yueh,' said the prince to Tzu Chi, his master of the horse, 'occupies a lowly position; yet his principles are of the most lofty. Go, make him a San Ching.'

"'I am aware,' replied Yueh to the master of the horse, 'that the post of San Ching is more honourable than that of butcher. And I am aware that the emolument is larger than what I now receive. Still, because I want preferment and

salary, I cannot let my prince earn the reputation of being injudicious in his patronage. I must beg to decline. Let me go back to my butchery.'

"And he adhered to his refusal.

"'Come hither,' said Confucius to Yen Hui. 'Your family is poor, and your position lowly. Why not go into official life?'

"'I do not wish to,' replied Yen Hui, 'I have fifty acres of land beyond the city walls, which are enough to supply me with food. Ten more within the walls provide me with clothes. My lute gives me all the amusement I want; and the study of your doctrines keeps me happy enough. I do not desire to go into official life.'" [31]

Chuang Tzu taught that loyalty and patriotism merely lead to sacrificing one's self and that from this there is no benefit.

"Among ministers whom the world calls loyal, none can compare with Wang Tzu, Pi Kan, and Wu Tzu Hsu. The last-mentioned drowned himself. Pi Kan was disembowelled. These two worthies are what men call loyal ministers; yet, as a matter of fact, all the world laughs at them!

"Thus, from the most ancient times down to Tzu Hsu and Pi Kan, there have been none deserving of honour. And as to the sermon you, Ch'iu, propose to preach to me,—if it is on ghostly subjects, I shan't understand them, and if it is on human affairs, why there is nothing more to be said. I know it all already.[32]

"Pi Kan was disembowelled. Tan Hsu had his eyes gouged out.

"Such was the fate of loyalty.

"Chih Kung bore witness against his father. Wei Sheng was drowned. Such are the misfortunes of the faithful.

"Pao Chiao dried up where he stood. Shen Tzu would not justify himself. He would not defend himself against a charge of putting poison in his father's food.

"Such are the evils of honesty.

"Confucius did not visit his mother. [There is no authority for this statement.]

"K'uang Tzu did not visit his father. [By whom he had been turned out of doors.]

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[31] Giles' "Chuang Tzu," "On Declining Power," pp. 376, 379.

[32] Ibid., "Robber Che," p. 395.

"Such are the trials which come from the upright.

"The above instances have been handed down to us from antiquity and are discussed in modern times. They show that men of learning emphasized their precepts by carrying them out in practice; and that consequently they paid the penalty and fell into these calamities." [33]

That it is better to die than to be untrue to a trust is an ideal or a belief that has long been a teaching which the Chinese and Japanese have accepted. In present-day Japanese government, we may find examples of this. To take one, we shall point to the railway official who has charge of the emperor's train. If the train should be late or meet with some slight accident the official, if he would merit the people's respect, will kill himself, either in assuming the fault or to prove his innocence. If we are to understand the spirit of suicide, whether it be in ancient times, in the days of Japanese "hara-kiri," or in the present, we must know that suicide as such is not honored; but suicide to protect, to assert, or to establish honor is worthy and is respected to-day. Suicide as a political theory is, therefore, worthy of our consideration. It has its basis first in the responsibility of the official to a trust; that trust may be to the people, or to the prince, or to a system. The theory is closely related to the Chinese theory which supports vicarious punishment. It is also related to the clan and family group responsibility rather than the individual responsibility. If we may judge from the following examples of Taoist suicides they were justified because, by suicide, the individual was kept pure and the system was protected. A son who brings disgrace to his family may free himself and the family from the stain by acting in the spirit of the Taoist philosophers. The splendid sacrifice of Yuko San [34] in 1891 in Japan, where the suicide of one maiden atoned for a national responsibility, and the loyalty of General Nogi who killed himself on the evening of the funeral of the late emperor, Meiji Tenno, are examples which in time will become classical and which have their basis in the thought and the theory of ancient China.

Then also there is suicide as a medium of protest.

"When T'ang was about to attack Chieh, he went to consult with Pien Sue.

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[33] Giles' "Chuang Tzu," "Robber Che," pp. 401, 402.

[34] See Hearn's "Out of the East."

"'It is not a matter in which I can help you,' said the latter.

"'Who can?' asked T'ang.

"'I do not know,' replied Pien Sue.

"Tang then went to consult with Wu Kuang.

"'I do not know,' replied Wu Kuang.

"'What do you think of I Yin?' asked T'ang.

"'He forces himself,' said Wu Kuang, 'to put up with obloquy. Beyond this I know nothing of him.'

"So T'ang took I Yin into his counsels. They attacked Chieh, and vanquished him.

"Then T'ang offered to resign the empire in favour of Pien Sue. But Pien Sue declined, saying, 'When your Majesty consulted with me about attacking Chieh, you evidently looked on me as a robber. [Who would steal territory. But men of Tao wage no wars.] Now that you have vanquished him, and you offer to resign in my favour, you evidently regard me as covetous. I was born indeed in a disordered age. But for a man without Tao to thus insult me twice, is more than I can endure.' [So he drowned himself in the river Chou.]

"Then T'ang offered to resign in favour of Wu Kuang, saying, 'The wise plan, the brave execute, the good rest therein,—such was the Tao of the ancients. Why, Sir, should not you occupy the throne?'

"But Wu Kuang declined, saying, 'To depose a ruler is not to do one's duty to one's neighbour. To slay the people is not charity. For others to suffer these wrongs, while I enjoy the profits, is not honest. I have heard say that one should not accept a wage unless in accordance with right; and that if the world is without Tao, one should not put foot upon its soil, still less rule over it! I can bear this no longer.' [Thereupon he took a stone on his back and jumped into the river Lu.]

"At the rise of the Chou dynasty there were two scholars, name Po I and Shu Ch'i, who lived in Ku-tu.

"One of these said to the other, 'I have heard that in the west there are men who are apparently in possession of Tao. Let us go and see them.' [Meaning the men of Chou.]

"When they arrived at Ch'i-yang, Wu Wang [the writer meant Wen Wang, father of Wu Wang.] heard of their arrival and sent Shu Tan [Chou Kung] to enter into a treaty with

them. They were to receive emoluments of the second degree and rank of the first degree. The treaty was to be sealed with blood and buried. [At this the two looked at each other and smiled.]

"'Ah!' said one of them, 'this is strange indeed. It is not what we call Tao.

"'When Shen Nung ruled the empire, he worshipped God without asking for any reward. Sometimes it was the law he put in force; sometimes it was his personal influence he brought to bear. He was loyal and faithful to his people without seeking any return. He did not build his success upon another's ruin, nor mount high by means of another's fall, nor seize opportunities to secure his own advantage.

"'But now that the Chous, beholding the iniquities of the Ying, have taken upon themselves to govern, we have intrigues above and bribes below. Troops are mobilized to protect prestige. Victims are slaughtered to give good faith to a treaty. A show of virtue is made to amuse the masses. Fighting and slaughter are made the means of gain. Confusion has simply been exchanged for disorder.

"'I have heard tell that the men of old, living in quiet times, never shirked their duties; but lighting upon troublous times, nothing could make them stay. The empire is now in darkness. The virtue of the Chous would be a disgrace to us. Better flee away and keep our actions pure.'

"Accordingly, these two philosophers went north to Mount Shou-yang, where they subsequently starved themselves to death." [35]

It is to the Confucian school that we turn to find support for patriotism and loyalty. "The Kingdom is a thing to be kept from generation to generation. One individual cannot undertake to dispose of it in his own person. Let him be prepared to die for it. Let him not quit it." [36]

Loyalty to the prince even to the extent of dying for him is a demand Confucius makes of the truly educated.[37]

"When called to office, to undertake its duties; when not so called, to lie retired:—it is only I and you who have attained to this." [38]

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[35] Giles' "Chuang Tzu," "On Declining Power," pp. 384, 385.
[36] "Mencius," Bk. I, Pt. II, Ch. 15.
[37] "Analects," Bk. I, Ch. 7.
[38] Ibid., Bk. VII, Ch. 10.

Peace and War

Confucius seldom referred to the subject of war [39] except when indicating methods by which misunderstandings with other states might be avoided. If here must be war, the prince must see that his people are well trained. "To lead an uninstructed people to war, is to throw them away." [40] Men should not be led into war until after they have passed through a seven-year period of training. This training was to be more than mere military training; they were to be taught the duties of life and citizenship before they were considered worthy to fight for their government.[41]

Mencius would avoid war, but he does not condemn it under all circumstances. "Therefore, the true ruler will prefer not to fight; but if he do fight, he must fight to overcome." [42]

Wars of conquest are condemned even when they can be accomplished without much loss of life. "If it were merely taking the place from one state to give it to the other, a benevolent man would not do it, how much less will he do so, when the end is to be sought by the slaughter of men!" [43]

The Confucian school never holds up war as an ideal; the heroes honored are those who settled the states and overcame disorder.[44] Mencius condemns the princes of his day who violate the covenants they had made with other princes to maintain friendly relations.[45] The intriguer to war is worthy of death and men who suggest conquests, alliances for war, and military leagues with other princes are worthy of the severest punishment.[46]

Early in Chinese history the futility of overcoming the desire for war by war became evident. A war to end war is a conception which Chinese logic will not follow. War leads to disorder. In times of disorder men's spirits will not and cannot be regulated. Or, if we may use a Chinese expression, "propriety" cannot function. I am not ready to admit, as

[39] Mencius said: "In the 'spring and autumn,' there are no righteous wars. Instances indeed there are of one war better than another." (Bk. VII, Pt. II, Ch. 2.)

[40] "Analects," Bk. XIII, Ch. 30.

[41] Ibid., Bk. XIII, Ch. 29.

[42] "Mencius," Bk. II, Pt. II, Ch. 1

[43] Ibid., Bk. VI, Pt. II, Ch. 8.

[44] Tso's "Commentary," pp. 320, 441, 490.

[45] "Mencius," Bk. VI, pt. II, Ch. 7.

[46] Ibid., Bk. IV, Pt. I, Ch. 14.

some claim, that the constant use of words, such as "propriety," "regulate," "proper order," makes of the thoughtful Chinese statesman a mere conformer to rules of etiquette, as we may properly judge them to be by a mere quotation of the words. Back of their rules of propriety is a deep philosophy which when applied to government is sound as any other governmental rule which comes from long custom and continued recognition. Tso She condemns the actions of a strong ruler of a strong state in attacking a weak state when the purpose was to reconcile or bring about peace between two states. The bringing about of peace is not condemned but the method used is. Here we may also see that the Chinese had developed the idea that the larger and more powerful states have a right to regulate peace in small and disorderly ones; the elder and younger brother theory applied to interstate relations. "States must be reconciled by the rules of propriety and not by disorder. To attack Keu without regulating (the differences by those rules) was creating disorder. By disorder to attempt to reconcile disorder left no room for the (proper) regulation; and without such regulation how could any rule of propriety be carried out." [47]

Tso in his "Commentary" cites an incident where nonresistance was suggested and approved.[48]

"The Viscount of Ts'oo said, 'If I do not invade Ch'ing, on what ground can I seek (the submission of) the States?' (Accordingly) in winter, in the 10th month, he invaded that State. The People of Ch'ing wished to resist him, but Tsze-ch'an said, 'Tsin and Ts'oo are about to become friends, and the States will be in harmony. The king of Ts'oo had blindly erred therefore in this attack on us. Our best plan is to let him have his way and return. Things will then be easily settled. As to those small men whose nature it is to be moved to deeds of daring, and to like times of confusion, thereby gratifying their nature and seeking for fame, (their schemes) will not be for the advantage of the State;—why should we follow them?' Tsze-ch'an was pleased, and did not resist the enemy."

Chuang Tzu is opposed to war, but he does not think that governments which act from motives engendered by any "ought" or "should" theories of action can accomplish much toward bringing about peace.

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[47] See note on paragraph 1, "Ch'un Ts'iu," p. 296.

[48] Tso's "Commentary," p. 527.

"'I have long desired to see you,' answered the Prince. 'I wish to love my people, and by cultivation of duty towards one's neighbor to put an end to wars. Can this be done?'

"'It cannot,' replied Hsu Wu Kuei. 'Love for the people is the root of all evil to the people. Cultivation of duty towards one's neighbor in order to put an end to war is the origin of all fighting. If your Highness starts from this basis, the result can only be disastrous.'

"Everything that is made good, turns out bad." [May we not read these thoughts between Chuang Tzu's lines? Good must be based upon what really is good—not upon some standard of what good ought to be. Here Chuang Tzu as a philosopher is at his best. The true scientist and the honest student of things as they are puts aside the ideas of "ought" and "should" and studies in the spirit of "how." We have failed to understand much in nature, because we have not sought to understand nature as it is, nature as it works; but we have attempted to read into nature what we have thought ought to be there. He who builds up a standard of peace, without the true spirit of peace behind it, or the honest desire for it, is building up an unnatural thing. There can be no peace without an honest desire for it and an absolute belief that it is good. The expedient thing is seldom lasting, because it is based on a false foundation.]

"And although your Highness should make charity and duty to one's neighbor, I fear they would be spurious articles. For the inward intention would appear in the outward manifestation. The adoption of a fixed standard would lead to complications. And revolutions within lead to fighting without. Surely your Highness would not make a bower into a battlefield nor a shrine of prayer into a scene of warfare!

"Having nothing within which is obstructive of virtue, seek not to vanquish others in cunning, in plotting, in war. If I slay a whole nation and annex the territory in order to find nourishment for my passions and for my soul, irrespective of military skill, wherein does the victory lie? If your Highness will only abstain, that will be enough. Cultivate the sincerity that is within your breast, so as to be responsible to the conditions of your environment, and be not aggressive. The people will thus escape death; and what need then to put an end to war?" [49]

[49] Giles' "Chuang Tzu," "Hsu Wu Kuei," p. 314.

Chuang Tzu argues further against the use of force and violence. [50]

"Prince Hui of Wei had made a treaty with prince Wei of Ch'i, which the latter broke.

"Therefore the prince Hui was wroth, and was about to send a man to assassinate him. But the Captain-General heard of this, and cried out in shame, 'Sire, you are a ruler over a mighty State, yet you would seek the vengeance of a common man. Give me two hundred thousand warriors, and I will do the work for you. I will make the heat of the prince's mind break out on his back. Then I will seize his country, and he will flee. Then you can wring his neck as you please.'

"When Chi Tzu heard this, he cried out in shame and said, 'If you are building a ten-perch wall, and when the wall is near completion, destroy it, you inflict great hardship on the workmen.' [Alluding to the corvee system of public works. The speaker was an official of Wei.] Now for seven years the troops have not been called out. This is, as it were, your Highness' foundation work. Listen not to the Captain-General. He is a mischievous fellow.'

"When Hua Tzu (also an official of Wei) heard this, he was very indignant and said, 'He who argued in favour of punishing the Ch'i State was a mischievous fellow. And he who argued against punishing the Ch'i State was a mischievous fellow. And he who says that either of the above is a mischievous fellow, is a mischievous fellow himself."

"'Where then shall I find what to do?' enquired the prince.

"'In Tao alone,' said Hua Tzu.

"When Hui Tzu heard this, he introduced Tai Chin Jen to the prince. [A Sage of the Liang State.]

"'There is a creature called a snail,' said Tai Chin Jen. 'Does your Highness know what I mean?'

"'I do,' replied the prince.

"'There is a kingdom on its left horn,' continued Tai Chin Jen, 'ruled over by Aggression, and another on its right horn, ruled over by Violence. These two rulers are constantly fighting for territory. In such cases, corpses lie about by thousands, and one party will pursue the other for fifteen days before returning.'

"'Whew' cried the prince. 'Surely you are joking.'

[50] Giles' "Chuang Tzu," "Tse Yang," p. 338.

"'Sire,' replied Tai Chin Jen, 'I beg you to regard it as fact. Does your Highness recognize any limit to space?'

"'None,' said the prince. 'It is boundless.'

"'When, therefore,' continued Tai Chin Jen, 'the mind descends from the contemplation of boundless space to the contemplation of a kingdom with fixed boundaries, that kingdom must seem to be of dimensions infinitesimally small?'

"'Of course,' replied the prince.

"'Well, then,' said Tai Chin Jen, 'in a kingdom with fixed boundaries [meaning the then empire of the Chous] there is the Wei State. In the Wei State there is the city of Liang. In the city of Liang there is a prince. In what does that prince differ from Violence?' [In his pettiness.]

"'There is no difference,' said the prince."

Place of Heaven in the State

The common place statement of ancient Chinese theory, like that of practically the whole world to-day, is that "good men are appointed for government by Heaven." [51] One ancient thinker quoted in Tso's "Commentary" (p. 389) goes one step further and says, "Good men are appointed for government by Heaven and Earth," while the early Chinese accepted the theory that "Heaven sees as my people see; Heaven hears as my people hear." [52] And Mencius makes the people the interpreter of Heaven's will; the Chinese nevertheless held firmly to the belief that Heaven actually ruled not only in the affairs of individual man but also in the affairs of states. Heaven sends calamities and Heaven makes the crops grow. "The preservation or ruin of the state depends on Heaven." [53] "It is the rule of Heaven that good men shall take the place of bad." [54] And it is for man's good that Heaven does rule. "If the punishments of Heaven were not so extreme, the people would

[51] The editor of the *San Francisco Journal* on March 13, 1924, expressed the sentiment in the following way: "But amid it all there is one man who stands out clear and clean. The storm of rumor and insinuation has blown against him, but not one particle of dirt has touched him. Silent, serene, and strong he stands up straight and square against all the winds that blow. Calmly and courageously he goes on doing his duty day by day determined that no injustice shall be done and some innocent individual suffer wrong. That man is Calvin Coolidge, by the Providence of God President of the American People."

[52] "Shu King," p. 293.

[53] "Ch'un Ts'iu," p. 396.

[54] Ibid., p. 551.

have no good government under Heaven." [55] Heaven sends signs and warns the people. "There fell stones in Sung—five of them . . . and six fish-hawks flew backwards," which made Duke Seang ask, what were the meanings of the signs. The historiographer replied: "This year there will be deaths of many great persons of Lu. Next year Tsi will be all in disorder. Your lordship will get the presidency of the states but will not be able to hold it." When the Duke retired the historiographer said to some one, "He asked me a wrong question. It is not from these developments of the Yin and Yang that good fortune and evil are produced. They are produced by men themselves. I answered as I did because I did not venture to go against the Duke's idea." [56]

While the fatalistic idea was strong in everything in Chinese life and the practical politician might turn every event to Heaven's will if occasion demanded, still there was another angle to Chinese thought, as we may see, from the following quotations. The first illustrates well the ease with which responsibility could be shifted when there was a belief that Heaven really ruled, and the second shows the mental attitude of the observant Chinese who saw that the people were not without power.

"Shuh has died without any illness. This is another proof of why we are without the Duke. It is by the will of Heaven and not from any offence of mine." [57]

"Too Shuh-K'wan of Tsin said, 'Neither Chang Hwang of Chou nor Haou Chang of Tse will escape an evil fate. Chang Shuh has acted in opposition to Heaven, and Kaou Tsze in opposition to men. That which Heaven is overthrowing cannot be supported; that which men are engaged in cannot be opposed.'" [58]

Prohibition

The theory of prohibition is consistent with paternal and parental government. The wise and benevolent ruler administers government for the good of the people, and what he considers good is not to be questioned. This theory is repeated so often throughout various chapters that further comment

[55] "Shu King," p. 610.
[56] Ch'un Ts'iu," Tso's "Commentary," p. 171.
[57] "Ibid., Notes, p. 731.
[58] Tso's "Commentary," p. 745.

is unnecessary here. Nevertheless, "The Announcement about Drunkenness," an interesting and ancient document, deserves a place here. The exact date of this Book of the "Shu King" is uncertain, but it was probably issued in the early part of the Chou period.[59]

The Announcement about Drunkenness

"The king speaks to this effect:—'Do you clearly make known my great commands in the country of Mei.

"'When your reverent father, the king Wan, laid the foundations of our kingdom in the western region, he delivered announcements and cautions to the princes of the various States, all the high officers, with their assistants, and the managers of affairs, saying, morning and evening, 'For sacrifices spirits should be employed.' When Heaven was sending down its favouring decree, and laying the foundations of the eminence of our people, spirits were used only in the great sacrifices. When Heaven has sent down its terrors, and our people have thereby been greatly disorganized and lost their virtue, this might also be invariably traced to their indulgence in spirits; yea, the ruin of States, small and great, by these terrors, may also be traced invariably to their crime in the use of spirits.

"King Wan admonished and instructed the young and all who were charged with office and in employment, that they should not ordinarily use spirits. Throughout all his States, he required that they should be drunk only on occasion of sacrifices, and then that virtue should preside so that there might be no drunkenness. He said, 'Let my people teach their young men that they are to love only the productions of the ground, for so will their hearts be good. Let the youth also hearken diligently to the constant lessons of their fathers. Let them look at virtuous actions whether great or small in the same light.'

"'Ye people of the land of Mei, if you can employ your limbs, largely cultivating your millet, and hastening about in the service of your fathers and elders; and if with your carts and oxen you traffic to a distance, that you may thereby filially minister to your parents:—then, when your parents are happy, you may set forth your spirits clear and strong, and use them.

[59] "Shu King," pp. 399–412.

"'Hearken constantly to my instructions, all ye high officers, ye assistants, and all ye noble chiefs:—When you have largely done your duty in ministering to your aged and serving your sovereign, you may eat and drink freely and to satiety. And to speak of greater things:—when you can maintain a constant watchful examination of yourselves, and your conduct is in accordance with correct virtue, then may you minister the offerings of sacrifice, and at the same time indulge yourselves in festivity. In such case you will indeed be ministers doing right service to your king, and Heaven likewise will approve your great virtue, so that you shall never be forgotten in the royal House.'

"The king says, 'O Fung, in our western regions, the princes of States, the managers of affairs, and the youths, who in former days assisted our ancestor, were able to obey the lessons of king Wan, and indulge in no excess of spirits; and so it is that I have now received the appointment which belonged to Yin.'

"The king says, 'O Fung, I have heard it said that formerly the first wise sovereign of Yin manifested a reverential awe of the bright principles of Heaven, and of the lower people, steadfast in his virtue, and holding fast his wisdom. From him, T'ang, the Successful, down to the emperor Yih, the sovereigns all completed their royal virtues, and revered their chief ministers, so that their managers of affairs respectfully discharged their helping duties, and dared not to allow themselves in idleness and pleasure;—how much less would they dare to indulge in drinking! Moreover, in the exterior domains, the princes of the States of the How, Teen, Nan and Wei, with their chiefs; and in the interior domain, all the various officers, the directors of the several departments, the inferior officers and employes, and the Heads of great Houses, with the men of honoured name living in retirement, all eschewed indulgence in spirits. Not only did they not dare to indulge in them, but they had not the leisure, being occupied with helping to complete their king's virtue and make it more distinguished, and helping the directors of affairs reverently to attend to the service of the sovereign.

"'I have heard it said likewise, that in these times the last successor of those kings was addicted to drink, so that no charges came from him brightly before the people, and he was reverently and unchangingly bent on doing and cherishing

what provoked resentment. Greatly abandoned to extraordinary lewdness and dissipation, for pleasure's sake he ruined all his majesty. The people were all sorely grieved and wounded in heart, but he gave himself wildly up to spirits, not thinking of ceasing, but continuing his excess, till his mind was frenzied, and he had no fear of death. His crimes accumulated in the city of Shang, and though the extinction of the dynasty of Yin was imminent, this gave him no concern, and he wrought not that any sacrifices of fragrant virtue might ascend to heaven. The rank odour of the people's resentments, and the drunkenness of his herds of creatures, went loudly up on high, so that Heaven sent such excesses. There is not any cruel oppression of Heaven; people themselves accelerate their guilt, and its punishment.'

"The king says, 'O Fung, I have no pleasure in making you this long announcement; but the ancients have said, "Let not men look only into water; let them look into the glass of other people." Now that Yin has lost its appointment, ought we not to look much to it as our glass, and learn how to secure the repose of our time?

"'I say to you,—Strenuously warn the worthy ministers of Yin, and the princes in the How, the Teen, the Nan, and Wei domains; and still more, your friends, the great Recorder and the Recorder of the interior, and all your worthy ministers, the Heads of great Houses; and still more, those whom you serve—with whom you calmly converse, and who carry out your measures; and still more those who are, as it were, your mates—your minister of War, who deals with the rebellious, your minister of Agriculture, who is like a protector to the people, and your minister of Works, who settles the boundaries; and above all, do you sternly keep yourself from drink.

"'If you are told that there are companies who drink together, do not fail to apprehend them all, and send them here to Chow, where I may put them to death.

"'As to the ministers and officers of Yin, who have been led to it, and been addicted to drink, it is not necessary to put them to death;—let them be taught for a time. If you disregard my lessons, then I, the one man, will show you no pity. As you cannot cleanse your way, you shall be classed with those who are to be put to death.'

"The king says, 'O Fung, give constant heed to my ad-

monitions. If you do not manage right your officers, the people will continue lost in drink.'"

Propriety

Government by propriety is the basis of the Confucian scheme. "A knowledge of propriety is the stem of a man, without it it is impossible for him to stand firm." [60] "When the people keep their respective places, there will be no poverty; when harmony prevails, there will be scarcity of people; where there is repose there will be no rebellions." [61]

It is correct to speak of the rules of propriety as being laws of ancient China [62] and by them men became gentlemen, society and the state were regulated, and interstate relations were prescribed.[63] "Propriety is the bulwark of a state. No misfortune could be greater than to kill the observer of it." [64] That it was carried to an extreme there can be no doubt, and, while I have not run across such a case, I imagine it could be found, where an official, with propriety, commenced a proper discussion on the correct way to pickle another official in a rhinoceros skin. Still, if government is conceived of as always being personal, government by propriety is then a protection against caprice.

When the system of propriety itself becomes the tyrant, the true gentleman may seek the happy medium; when carried to extremes in government it must at times be tempered, as is the case in any government which is based upon written law. That Confucius and his school made it their master rather than their servant is no fault of the system.[65] That its observation has had such far-reaching results that China has been since the Chou period and has remained a self-taxing nation means that the system cannot be without great political merit.[66]

In the fifteenth year of Duke Hwan,[67] Confucius writes: "In spring, in the second month, the King by Heaven's grace sent Kea Foo to Loo to ask for carriages." In speaking of this,

[60] Tso's "Commentary," p. 618.
[61] "Analects," Bk. XVI, Ch. 1.
[62] Tso's "Commentary," p. 567.
[63] Ibid., p. 580.
[64] Ibid., p. 558.
[65] See "Mencius," Bk. III, Ch. 7.
[66] See Ibid., Ch. 12.
[67] "Ch'un Ts'iu," p. 64.

Kuh-Leang in his commentary says: "Anciently the feudal princes at the proper times presented to the son of Heaven their offerings of the things which they had in their states. He might thus decline, but he did not demand or ask for anything. To ask for carriages was contrary to propriety; to ask for money was still more so."[68] Tso in his "Commentary" also emphasizes this fact.[69]

Regicide and the Right of Revolution

Confucius condemns regicide and parricide and in theory is opposed to any insubordination. He believed a great minister should serve his prince according to the right and when that cannot be done the minister should resign. But, with the exceptions which I have called attention to in the Ch'un Ts'iu, Confucius in the other books which he edited was not backward in recording revolutions and killings of kings and rulers. In the "Bamboo Annals"[70] we read: "The people of Tse murdered their ruler Woo ke, known as Duke of Le, and appointed his son, Ch'ih in his room" (826 B. C.).

Mencius supports the right to kill a ruler on the grounds that a ruler who has arrived at a position of being worthy of death from his subjects has ceased to be a ruler and that therefore there is then nothing that separates him from the ordinary offender.

"The king said: 'May a minister put his sovereign to death?"

"Mencius said: 'He who outrages the benevolence proper to his nature is called a robber; he who outrages righteousness is called a ruffian. The robber and the ruffian we call a mere fellow. I have heard of the cutting off of the fellow Chou, but I have not heard of the putting a sovereign to death in his case.'"[71] Thus killing a ruler is not necessarily rebellion nor murder.

Mencius also teaches that rebellion is proper in getting rid of unworthy rulers. He holds the sovereign not only responsible for good government himself but he is also responsible for good government by his subordinates. When

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[68] "Ch'un Ts'iu," "Prologomena," p. 58.
[69] Tso's "Commentary," p. 64.
[70] "Shu King," p. 155.
[71] "Mencius," Bk. I, Pt. II, Ch. 8.

either he or they fail the people are justified in deposing them.[72]

In the Ch'un Ts'iu, Confucius records the right of a state to kill its great officer. "Tsoo put to death its great officer, Kung Tsze Shin."[73] The commentary informs us that King Tsze Shin was guilty of accepting bribes.

Tso's "Commentary" (pp. 466, 467) relates the following conversation between the music master Kwang and the Marquis of Ts'in. The music master Kwang was held to be a radical by the Confucius literati, but his sentiments express theory not inconsistent with Mencius.

"The music master Kwang being by the side of the marquis of Tsin, the marquis said to him, 'Have not the people of Wei done very wrong in expelling their ruler?' Kwang replied, 'Perhaps the ruler had done very wrong. A good ruler will reward the virtuous and punish the vicious; he will nourish his people as his children, overshadowing them as heaven, and supporting them as the earth. Then the people will maintain their ruler, love him as a parent, look up to him as the sun and moon, revere him as they do spiritual Beings, and stand in awe of him as of thunder;—could such a ruler be expelled? Now, the ruler is the host of the spirits, and the hope of the people. If he make the life of the people to be straitened and the spirits to want their sacrifices, then the hope of the people is cut off, and the altars are without a host;—of what use is he, and what should they do but send him away? Heaven, in giving birth to the people, appointed for them rulers to act as their superintendents and pastors, so that they should not lose their proper nature. For the rulers there are assigned their assistants to act as tutors and guardians to them, so that they should not go beyond their proper limits. Therefore the son of Heaven has his dukes; princes of States have their high ministers; ministers have (the Heads of) their collateral families; great officers have the members of the secondary branches of their families; inferior officers have their friends; and the common people, mechanics, merchants, police runners, shepherds and grooms, all have their relatives and acquaintances to aid and assist them. These stimulate and honour those (to whom they stand in such a relation), when they are good, and correct

[72] "Mencius," Bk. I, Pt. I, Chs. 6, 7.
[73] "Ch'un Ts'iu," p. 416.

them when they do wrong. They rescue them in calamity, and try to put away their errors. From the king downwards, everyone has his father, elder brothers, sons and younger brothers, to supply (the defects) and watch over the (character of) his government. The historiographers make their records; the blind make their poems; the musicians recite their satires and remonstrances; the great officers admonish and instruct, and inferior officers report to these what they hear; the common people utter their complaints; the merchants (display their wares) in the market places; the hundred artificers exhibit their skilful contrivances. Hence in one of the Books of Hea (Shu King, III. IV. 3) it is said, "The herald with his wooden-tongued bell goes along the roads, proclaiming, 'Ye officers, able to instruct, be prepared with your admonitions. Ye workmen engaged in mechanical affairs, remonstrate on the subject of your business.' In the first month, at the beginning of spring, this was done." It was done, lest remonstrances should not be regularly presented. Heaven's love for the people is very great;—would it allow the one man to take his will and way over them, so indulging his excessive desires and discarding the (kindly) nature of Heaven and Earth? Such a thing could not be.'" [74]

Right of Succession

By the time of Confucius and during the entire feudal period of the Chou dynasty, the hereditary principle of succession was recognized and in general practiced.[75] But, in theory, at no time did birth in itself give the right to rule. Wherever the theory of the right of revolution is strong, as it was in ancient China, there must of necessity be other characteristics incident to succession besides mere heredity. The charge to the Viscount of Wei [76] illustrates well the relation between birth and these other characteristics.

"The king speaks to the following effect:—'Ho! eldest son of the king of Yin, in accordance with the statutes of antiquity, that the honouring of the virtuous belongs to their descendants who resemble them in worth, do you continue the line of the kings your ancestors, cultivating their cer-

[74] Tso's "Commentary," pp. 466, 467.

[75] See note on page 214 and Section II of Bk. III of the "Royal Regulations," "Li Ki."

[76] "Shu King," Book VIII, p. 376.

emonies and taking care of their various relics. Be a guest also in our royal house, enjoying the prosperity of our kingdom, for ever and ever without end.'"

In the time of the model emperors succession came as a result of merit,[77] but still the hereditary principle must have been strong in theory, for Mencius, in showing that the emperor may not select his successor, nevertheless shows that until Heaven and the people gave the government to Shun, the son of Yao was thought of as the heir. "After the death of Yao, when the three years' mourning was completed, Shun withdrew from the Son of Yao to the south of South River. The princes of the empire, however, repairing court, went not to the son of Yao, but they went to Shun."[78] By the time of Yu (2205-2198 B. C.), who had the intention of selecting a clever man rather than his own son as his successor, but who had to yield to the advice of his ministers who forced him to leave the empire to his son as the rightful heir, we see the precedent of hereditary succession established. The Chinese themselves date the practice of securing the succession to one of the emperor's own sons from this precedent established in Yu's time.

Mencius respects the principle of the descent of the throne from father to son, but the son must be worthy.[79] "Confucius said: 'Tang and Yu resigned the throne to their worthy ministers. The sovereign of Hea and those of Yin and Chou transmitted it to their sons. The principle of righteousness was the same in all the cases.'" Thus again the right to rule by right of birth alone is not supported, but at the same time a king has no right to hand his throne over to another on a whim. The principle of righteousness has Mencius' support when he condemned the action of Tsze-K'wai, a weak, silly man, who decided to resign his throne to his prime minister Tsze-Chih, in the expectation that Tsze-Chih would decline the honor, and that thus he would be praised as acting the part of the ancient Yao, while at the same time he retained the kingdom. Tsze-Chih, however, accepted the tender, and Tsze-K'wai was relegated to a position of unimportance. In time, the son of Tsze-K'wai attempted to gain the throne as

[77] See "Annals of the Bamboo Books," Chinese classics, Vol. III, Pt. I, pp. 113, 157; also "Shu King," "Counsels of the Great Yu," Pt. II, p. 57.

[78] "Mencius," Bk. V, Pt. I, Ch. 5.

[79] Ibid., Bk. I, Pt. I, Ch. 6.

rightful heir and great disorder followed. In the eyes of Mencius both the weak king and his ambitious minister did wrong. And both acted outside their rights.[80]

Mencius also shows that the hereditary principle did not have universal support when he tells of the covenant of the Five Chiefs and their agreement against the hereditary principle in office holding.[81] In the Great Declaration[82] the King is condemned because he put men into office on the hereditary principle, but at the same time the "hereditary rulers of my friendly states" were sanctioned and supported. This shows that the hereditary principle was considered proper in the family of the emperor and of the feudal lords, but that it was condemned when it was made to apply to an aristocracy of officeholders. Ancient Chinese never accepted the idea that birth made for ability, and, even in their conception of the equality of man under their theory of natural rights, they never accepted the idea of equality of ability. The ruler and the officer must be of the best, but mere birth was not proof of the best.

The following quotations, taken from the Books of Chou of the "Shu King," may serve to illustrate a classically accepted succession. Note especially the final injunction of King K'ang[83] that the ministers "do not allow Ch'aou to proceed heedlessly on the impulse of improper motives." In the interpretation of the Chinese constitution by the Confucian literati, the position of the learned advisers is never belittled. This fact has had, without doubt, much to do with keeping the theory of succession one which depends more on virtue and righteousness than on birth. But it must not be overlooked that as time went on birth became more and more important in matters of succession. "Let no one act like Tung-Mun Suy, who disregarded the order of the duke, putting to death the rightful heir and raising the son of a concubine in his place."[84]

The Testamentary Charge

"In the fourth month, when the moon began to wane, the king was indisposed. On the day Kea-tsze, he washed his

[80] "Mencius," Bk. II, Pt. II, Ch. 8.
[81] Ibid., Bk. VI, Pt. II, Ch. 7.
[82] "Shu King," (Books of Chou), "The Great Declaration," pp. 281–288.
[83] King K'ang, 1078–1053 B. C.; King Ch'aou, 1052–1002 B. C.
[84] Tso's "Commentary," p. 503.

hands and face, his attendants put on him his cap and robes, and he sat up, leaning on the gem-adorned bench. He then called for the Grand-protector Shih, the baron of Juy, the baron of T'ung, the duke of Peih, the prince of Wei, the duke of Maou, Sze, the master of the warders, the master of the guards, the Heads of the officers,—all the superintendents of affairs.

"The king said, 'Oh! my illness has greatly increased, and it will soon be over with me. The malady comes on daily with more violence and without interruption. I am afraid I may not find another opportunity to declare my wishes about my successor, and therefore I now lay my charge on you with special instructions. The former sovereigns, King Wan and King Woo, displayed in succession their equal glory, making sure provision for the support of the people, and setting forth their instructions. The people accorded a practical submission; they did so without any opposition, so that their influence extended to Yin, and the great appointment of Heaven was secured. After them, I, the stupid one, received with reverence the dread decree of Heaven, and continued to keep the great instructions of Wan and Woo, not daring blindly to transgress them.

"'Now Heaven has laid affliction on me, and it seems as if I should not again rise or be myself. Do you take clear note of my words, and in accordance with them watch reverently over my eldest son, Ch'aou, and greatly assist him in the difficulties of his position. Be kind to those who are far off, and help those who are near. Promote the tranquillity of the States, small and great, and encourage them to well-doing.

"'I think how a man has to govern himself in dignity and with decorum:—do not allow Ch'aou to proceed heedlessly on the impulse of improper motives.'" [85]

"The king, in a hempen cap and a variously adorned skirt, ascended by the guests' steps, followed by the nobles and princes of States, in hempen caps and black ant-coloured skirts. Having entered, they all took their places. The Grand-protector, the Grand-historiographer, and the minister of Religion were all in hempen caps and red skirts. The Grand-protector bore the great mace. The minister of Religion bore the cup, and the mace-cover. These two ascended by the eastern steps. The Grand-historiographer bore the testa-

[85] "Shu King," "The Testamentary Charge," pp. 544–548.

mentary charge. He ascended by the guests' steps, and advanced to the king with the record of the charge, saying, 'Our lord, leaning on the gem-adorned bench, declared his last charge, and commanded you to continue the observance of the lessons, and to take the rule of the empire of Chow, complying with the great laws, and securing the harmony of the empire, so as to respond to and display the bright instructions of Wan and Woo.'" [86]

"The king spoke thus:—'Ye princes of the various States, chiefs of the How, Teen, Nan, and Wei domains, I, Ch'aou, the one man, make an announcement in return for your advice. The former sovereigns, Wan and Woo, were greatly just, and enriched the people. They did not occupy themselves with people's crimes. Pushing to the utmost and maintaining an entire impartiality and sincerity, they became gloriously illustrious throughout the empire. They had officers brave as bears and grizzly bears, and ministers of no double heart, who helped them to maintain and regulate the royal house. Thus did they receive the true favouring decree from God; and thus did great Heaven approve of their ways, and give them the four quarters of the empire. Then they appointed and set up principalities, and established bulwarks to the throne, with a view to us their successors. Now do ye, my uncles, I pray you, consider with one another, and carry out the service with the dukes, your predecessors, rendered to my predecessors. Though your persons be distant, let your hearts be in the royal house. Thus enter into my anxieties and act in accordance with them, so that I, the little child, may not be put to shame.'

"All the dukes, having heard this charge, bowed to one another and hastily withdrew. The king put off his cap, and assumed again his mourning dress." [87]

The philosophy of filial piety in its connection with the right of succession bears much the same relation to political theory in China as the patriarchal order did to the theory in Europe. Both were God's or Heaven's order; both were used in support of the powers that be; and both were taught during periods of strict monarchy. Both the patriarchal order and the system of filial piety are broader than the mere relationships of father and son. They extend to elder brother and

[86] "Shu King," "The Testamentary Charge," pp. 557, 558.
[87] Ibid., "The Announcement of King K'ang," pp. 566–568.

younger brother in the family and the princes and lords in the state. Kuh-leang's "Commentary" (p. 55) says: "That there should be elder brother and younger brother is the order of Heaven. A man receives his sonship from his father; and a feudal prince receives his rank from his king."

Sovereignty

The Chou philosophers saw the universal sovereignty of God in nature and the absolute and undivided sovereignty of the Emperor in the State.

"Vast as is the universe, its phenomena are regular. Countless though its contents, the laws which govern these are uniform, many though its inhabitants, that which dominates them is sovereignty. Sovereignty begins in virtue and ends in God. Therefore it is called divine." [88]

"The Tao of God operates ceaselessly; and all things are produced. The Tao of the sovereign operates ceaselessly; and the empire rallies around him. The Tao of the Sage operates ceaselessly; and all within the limit of surrounding ocean acknowledge his sway. He who apprehends God, who is in relation with the Sage, and who recognizes the radiating virtue of the sovereign,—his actions will be to him unconscious, the actions of repose." [89]

"Two rulers in one state! this is what no one can endure." [90]

"The dominion of the Son of Heaven extends everywhere; the princes of the states have their own defined boundaries. This is the ancient rule:—within the state and the kingdom, what ground is there which is not the ruler's? What individual of all whom the ground supports is there that is not the ruler's subject? Hence the ode (Shi King II. vi. Ode l. 2) says:

> Under the wide Heavens
> All is the King's land,
> Along the coasts of the land
> All are the King's servants.

"The day has its ten divisions of time, and of the men there are ten classes; and so it is that inferiors serve their superiors; and that superiors perform their duties to the spirits. Hence the King makes the duke his servant, and the

[88] Giles' "Chuang Tzu," "The Universe," p. 135.
[89] Ibid., "The Tao of God," p. 157.
[90] Tso's "Commentary," p. 615.

duke, the great officer his servant," and so on down the whole ten classes to the shepherds for the cattle, "and thus there is provision for all things." [91]

Further in Tso's "Commentary" (p. 578) we read the following five great rules of the state as expressed by Tsze-Ch'an in passing a judgment upon a criminal:

"There are the five great rules of the State, all of which you have violated:—awe of the ruler's majesty; obedience to the rules of the government; honour to the nobler in rank; the service of elders; and the kindly cherishing of relatives. These five things are necessary to the maintenance of the State. Now you, while the ruler was in the city, presumed to use your weapon; the laws of the State;—not obedient to the rules of government. Tsze-seih is a great officer of the first degree, and you would not acknowledge your inferiority;—you have not honoured the nobler in rank. Younger than he, you showed no awe of him;—not serving your elder. You lifted your weapon against your cousin;—not that he cannot bear to put you to death, and will deal gently with you in sending you to a distance. Make an effort and take your departure quickly, so as not to incur a second offence."

Taxation

Mencius calls attention to three theories of taxation which were understood by him and which had been or were practiced in his time. "The sovereign of the Hea dynasty enacted the fifty mow allotment, and the payment of a tax. The founder of the Yin enacted the seventy mow allotment, and the system of mutual aid. The founder of the Chou enacted the hundred mow allotment, and the share system. In reality, what was paid in all these was the tithe. The share system means mutual division. The aid system means mutual dependence." [92]

The tax under the Hea dynasty was a tribute; under the Yin it was a contribution from the people, given in the spirit of mutual dependence; under the Chou system it was an assessment for the government that was recognized as having the authority to make a compulsory exaction.

Mencius holds that the system of Yin is the proper one. His reasoning is based upon the theory that a happy, con-

[91] Tso's "Commentary," p. 616.

[92] "Mencius," Bk. III, Pt. I, Ch. 3.

tented, economically well-off population is the basis of a good state, and he also holds that the richer the people the richer the state. Therefore, he favors low taxes and is opposed to oppressive measures. "For regulating the lands, there is no better system than that of mutual aid, and none which is not better than that of taxing. By the tax system, the regular amount was fixed by taking the average for several years. In good years, when the grain lies about in abundance, much might be taken without its being oppressive, and the mutual exaction would be small. But in bad years, the produce being not sufficient to repay the manuring of the field, this system still requires the taking of the full amount. When the parent of the people causes the people to wear looks of distress and, after the whole year's toil, yet not be able to nourish their parents, so that they proceed to borrowing to increase their means, till the old people and the children are found lying in the ditches and water channels:—where, in such a case, is the parental relation to the people?" [93]

Thus the well developed system of taxation of the Chou period was condemned by Confucius and Mencius as being oppressive, and the Yin system of mutual aid and coöperative contribution praised. "Anciently, the public fields were cultivated by the united labors of the farmers, who paid no tax from the produce of their private fields." [94] "If a ruler require the farmer's assistance for cultivating the public fields, and exact no other taxes from them, then all the farmers of the world will be pleased, and wish to plough in his fields." [95]

If the people are not imposed upon they will pray, "May it rain first on our public fields, and then come to our private." [96] Kuh-Leang's "Commentary" expresses the same idea thus: "When the crop of the private fields is not good, the officials should be blamed; when that of the public fields is not good, the people should be blamed." [97] That expresses very well the mutual spirit of taxation which is held up as the model by the Confucian school.

Mencius opposed any system of taxation based on values of land; such a system brought destruction in poor seasons, he pointed out. The only just system was one based on in-

[93] "Mencius," Bk. III, Pt. I. Ch. 3.
[94] "Li Ki," "Royal Regulations," p. 227.
[95] "Mencius," Bk. II, Pt. I, Ch. 3.
[96] "Shi King," Pt. II, p. 381.
[97] Kuh-Leang's "Commentary," p. 69.

come, the tithe or a tax which rises or falls with ability to pay.[98]

And when such a system is in vogue, there is a proper relation of economic understanding between the Government and the people, for, as Hsun Tzu points out,[99] "When the people are poor the government is also poor; when they are rich, it is also rich."

The theory behind the demand of Confucius and Mencius that the taxes be light is that it makes for a rich people. "By teaching the people to cultivate their land well, and making the taxes light, the people may be made rich." [1] Wealth should be left in the hands of the people, for there it will be used to their economic advantage. Government should not collect more than it needs and the official, even in good years, who uses the imports for enriching the rulers is condemned. Of such a one Confucius said, "He is no disciple of mine. My little children, beat the drum and assail him." [2]

By praising the mutual aid system of taxation, Mencius defends the principles that taxation must be equal and universal, as well as proportionate to the amount the payers are able to pay. Under the Confucian system there were two exceptions to the universality of the general principle. "No tax was levied from the holy field." [3] This holy field, it will be remembered, was the fifty mow allowed each official so that he might keep up the sacrifices to his family's ancestors. And the governing class, being a salaried class which was maintained from taxes, were exempt from taxation. This tax exemption helps us to understand the economic worth of being numbered among the "superior men." [4]

In the "Li Ki" we find the following picture of the classification of taxes in the Chou period and what Confucius thought proper.

"Formerly, the wise Kings inspected the travelers at the custom houses, but did not levy duty upon the commodities. They established public warehouses in the market-places, but did not tax commodities. They taxed one-tenth of the produce of the land. They employed the labor of the people not

[98] "Mencius," Bk. III, Pt. I, Ch. 3.
[99] "Hsun Tzu," Bk. X.
[1] "Mencius," Bk. VII, Pt. I, Ch. 22.
[2] "Analects," Bk. XI, Ch. 16.
[3] "Li Ki," Bk. III, p. 227.
[4] "Mencius," Bk. II, Pt. I, Ch. 3.

more than three days in one year. The entering into the mountains and the meres by the people was limited to the proper times by regulations, but not by tax. All these six things (custom-houses, market-places, land, personal labor, mountains, and meres) may be regarded as the ways of getting revenue. But the wise kings taxed only two things (land and personal labor), in a moderate way, leaving the other four untaxed." [5]

Confucius, in selecting the land and the labor as the two things proper to tax, stands opposed to indirect taxes of all kinds.

We have noted elsewhere Kuan Tzu's scheme for taxing salt and iron products. This marked the beginning of consumption taxes and also the creation of a state monopoly. Both types have persisted since that time (seventh century B. C.). Confucius was opposed to monopoly as he was to indirect taxes. In regard to taxes he has not been followed, but in the matter of monopolies his theory has been respected save in the one or two exceptions noted.[6] In the whole course of Chinese history no private legal monopoly has been allowed. In the thirteenth century A. D. there is the case where Chang Hsuan and Chu Ts'ing were allowed to use the state seals for making paper money in return for some service rendered to the state, but the government soon recognized the danger to it from such a practice and withdrew the right.[7]

Mencius also opposed indirect and privilege taxes. He tells of the origin of the custom of taxing trade in this way and he implies that it came into being as a result of a "mean" man's selfishness.

"Of old times, the market dealers exchanged the articles which they had for others which they had not, and simply had certain officers to keep order among them. It happened that there was a mean fellow, who made it a point to look out for a conspicuous mound, and get upon it. Thence he looked right and left, to catch in his net the whole gain of the market. The people all thought this conduct mean, and therefore they proceeded to lay a tax upon his wares. The taxing of traders took its rise from this mean fellow." [8]

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[5] "Li Ki," "Royal Regulations," p. 227.

[6] For example, Salt, state monopoly. Some trade secrets were allowed to remain in certain families.

[7] Chen Huan-Chang, "Economic Principles of Confucius and his School," p. 537.

[8] "Mencius," Bk. II, Pt. II, Ch. 10.

In the "Great Model," Confucius clearly sets forth the utilitarian basis of all government, asserting that it is instituted among men to secure for them the five blessings and secure them against the six calamities. The five blessings are: ample means, long life, health, virtuous character, and an agreeable personal appearance; the six calamities, early death, sickness, misery, poverty, a repulsive appearance, and weakness.

Certainly here is a scope for government that is as broad as any yet planned. The government is the life of the people; it is the all-embracing.

"When a country is well governed, poverty and mean condition are things to be ashamed of. When a country is ill governed, riches and honors are the things to be ashamed of." [9]

Here Confucius shows that a most important function of government is to secure equitable distribution of the products of human labors to the end that no person shall want. In the "Li Ki" [10] we see the need for this, for government for the benefit of the few results in disorder.

The "Li Ki" condemns the waste in neglected and uncultivated lands. "Where the wide and open country is greatly neglected and uncultivated, it speaks ill of those in authority." [11]

That the power to tax is the power to destroy has a double significance to Mencius who points out the dangers to the prince of excessive taxation. The people will bear only what is just. That is the rule which Mencius lays down for the prince in guiding him in his taxation.[12] The history of China has proved that Mencius' advice was good.[13]

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[9] "Analects," Bk. VIII, Ch. 13.

[10] "Fang Ki," "Sacred Books of the East," Vol. 28, p. 284.

[11] "Li Ki," "The Khu Li," "Sacred Books of the East," Vol. 27, p. 93.

[12] "Mencius," Bk. II, Pt. I, Ch. 5.

[13] Altogether the Chinese people may be said to be lightly taxed. There is the land tax, in money and in kind, a tax on salt, and various octroi and customs duties, all of which are more or less fixed quantities, so that the approximate amount which each province should contribute to the central government is well known at Peking, just as it is well known in each province what amounts should go to the officials of various grades. The people set the tax; boycott them or strike if they are too high. The creation of the likin as a war tax to pay the expenses of the Tai Ping rebellion was a percentage transit-duty tax and was voluntarily imposed upon themselves by the people. It was a temporary war tax. The people have not objected to it but foreign traders have.

Universal Education

"When the man of high station is well instructed, he loves men; when the man of low station is well instructed, he is easily ruled." [14] Thus Confucius sets forth the necessity for general education and the benefit in respect to government which results from it. He realized that democracy had its basis in education. "There being instruction there will be no distinction of classes." [15]

Education brought a leveling, at least in opportunity, even to the official classes, for it was by education that men proved themselves fit for office. Mencius points out that proper instruction and good government go hand in hand. "Good government is feared by the people, while good instructions are loved by them. Good government gets the people's wealth while good instructions get their hearts." [16] Mencius shows also that proper education includes the training in gaining a livelihood.[17] But solid economic well-being is not enough; they must be taught other things, for men possess a moral nature and it must be cultivated.

"When a ruler is concerned that his measures should be in accordance with law, and seeks for the assistance of the good and the upright, this is sufficient to secure him a considerable reputation, but not to move the multitudes.

"When he cultivates the society of the worthy, and tries to embody the views of those who are remote from the court, this is sufficient to move the multitudes, but not to transform the people.

"If he wish to transform the people and to perfect their manners and customs, must he not start from the lessons of the school?

"The jade uncut will not form a vessel for use; and if men do not learn, they do not know the way in which they should go. On this account the ancient kings, when establishing states and governing the people, made instruction and schools a primary object;—as it is said in the charge to Yueh, 'The thoughts from the first to last should be fixed on learning.'" [18]

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[14] "Analects," Bk. XVII, Ch. 4.
[15] Ibid., Bk. XV, Ch. 38.
[16] "Mencius," Bk. VII, Pt. I, Ch. 14.
[17] Ibid., Bk. II, Pt. I, Ch. 4.
[18] "Hisio Ki," "Sacred Books of the East," Vol, 28, p. 82.

That is the Confucian theory for universal state education. Its form took physical shape as follows: "According to the system of ancient teaching, for families of a hamlet there was the village school; for a neighborhood there was the hsiang; for the larger districts there was the hsu; and in the capitals there was the college." [19] It was through these schools that the pupils started the training which would lead them by means of competitive examinations to the positions of the "superior men."

There is a hint at teacher training and educational psychology in the following: "The superior man in his teaching leads and does not brag; he strengthens and does not discourage; he opens the way but does not conduct to the end." "Among learners there are four defects with which the teacher must make himself acquainted. Some err in the multitude of their studies; some, in their fewness; some, in the feeling of ease; some, in the readiness with which they stop. These four defects arise from the difference of their minds. When a teacher knows the character of his mind, he can save the learner from the defect to which he is liable. Teaching should be directed to develop that in which the pupil excels, and correct the defects in which he is prone." [20]

"Diffuse widely the knowledge of the five invariable relations of society, and reverently seek to produce a harmonious observance of the duties belonging to them among the people. If you can be correct in your own person none will dare to be but correct. The minds of the people cannot attain to the right Mean of duty;—they must be guided by your attaining it." [21]

What is the Purpose of Government?

There are many things which the government should do, but under the Chinese theory all the things have a utilitarian purpose. Above all, government is not for the gratification and glory of the governing, but is for the benefit of the people and for the good of the people.

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[19] "Li Ki," Bk. XVI ("Sacred Books of the East," Vol. 28, p. 83). The hamlet was supposed to contain 25 families; the neighborhood, 500; and the district, 2,500.

[20] "Li Ki," Bk. XVI. The whole of Book XVI, or the "Hsio Ki," or "Record on the Subject of Education," is worthy of notice by the interested student. "Sacred Books of the East," Vol. 28.

[21] "Shu King," p. 578.

"The founding of states, and the setting up of capitals; the appointing of sovereign kings, of princes and of dukes, with their great officers and heads of departments:—were not designed to minister to the idleness and pleasures of one, but for the good of the people." [22]

"May you now succeed in making your prince a successor of my royal ancestor, and in securing the lasting happiness of the people." [23]

"That which enables men to live collectively, is wealth. Administering wealth, formulating rules, and prohibiting people from doing wrong, that is called Justice." [24]

Government, then, is established to benefit the people in protecting their property. It is for the good of the people to formulate rules so that men may live socially together, free in the enjoyment of their property and without doing personal or economic injury to others.

The government may "secure the lasting happiness of the millions of the people" and also "satisfaction among the myriad states" by observing the "threefold business of government," which is: (1) "Make the regular statutes of our dynasty your rule, and do not with artful speeches introduce disorder into your offices. (2) To accumulate doubts is the way to ruin your plans: to be idle and indifferent is the way to ruin your government. (3) Without study you stand facing a wall, and your management of affairs will be full of trouble." [25]

The religious significance of the ancient Chinese government should not be overlooked. Government is literally for the good of the people from a religious standpoint. Religion affects both the ruler and the ruled. Heaven does not cut short men's lives; they bring that upon themselves. That is Chinese fate stated in a practical way as it was, politically speaking, brought home to the minds of the people and the rulers. Heaven's laws are there, but Heaven does not have to act. Man makes or destroys himself by living in or out of harmony with those laws. All blessings and punishments are predicated on Heaven's laws; it is the acts of men that produce the effects of those laws. Man, therefore, in a way, is the controller of his fate, but never the master of it, for every act

[22] "Shu King," "The Charge to Youe," p. 254.
[23] Ibid., p. 263.
[24] "Yi King," "Canon of Changes," p. 381.
[25] "Shu King," "The Officers of Chou," pp. 532–534.

counts. Thus Chinese fatalism, while self-controlled, is in its final analysis hopelessly stern. But from the standpoint of politics it definitely places responsibility, and men and rulers stand blessed or condemned by their own acts.[26]

The ancient prince had to become learned not only in the government of the people and the state but he must also become worthy and proficient in the sacrifices. It should be remembered that there was no priestly class or caste and the sacrifices were made in the order of merit. As the father of the family was the priest of the family and the prince of the state was the priest of the state, the emperor was both priest and father of the people.[27]

Women in the State

During the third century A. D. women were actually admitted to official life and some of them rose to important posts. Since the eighth century A. D. all trace of this system has disappeared. But a wife of a mandarin had charge of the mandarin's seal and she alone had power to produce or to withhold it.

Speaking of an earlier time Confucius calls attention to the fact that a woman acted as minister to King Wu. "King Wu said, 'I have ten able ministers.'" Confucius said, "Is not the saying that talents are difficult to find, true? Only when the dynasties of T'ang and Yu met, were they more abundant than in this of Chou, yet there was a woman among them. The able ministers were no more than nine men" [28]

King Fa in his speech at Muh [29] condemns government by women and one of his charges against Show is that he listens to his wife, which, he points out, is contrary to Heaven's way. "The king said: 'The ancients have said, "The hen does not announce the morning. The crowing of a hen in the morning indicates the subversion of the family. Now Show, the king of Shang, follows only the words of his wife."'

"In autumn, in the seventh month, on Mow shin, Duke

[26] "Shu King," "The Day of Supplementary Sacrifice of Kaou-Tsung," p. 266. "Heaven does not cut short men's lives;—they bring them to an end in the midst themselves. Some men may not have complied with virtue, and will not acknowledge their crimes, but when Heaven has evidently charged them to correct their conduct, they still say, 'What is this to us?'"

[27] Ibid., "Announcement Concerning Lo," p. 439.

[28] "Analects," Bk. VIII, Ch. 20.

[29] "Shu King," "The Speech at Muh," p. 302.

Chwang's wife, the Lady Keang, died at E, an officer of Ts'e taking her body back with him." [30]

Tso in his "Commentary" informs us that this sentence describes a state execution of a woman. "The marquis of Ts'e, in his capacity as leader of the states, determined to execute justice on Gae Keang, notwithstanding his near relation to her, considering her too bad to be allowed to live. He therefore had her brought from Choo, whither she had fled from Lu, to E, somewhere in Ts'e, and put her to death, or obliged her to strangle herself. The officer who superintended the deed, took her body back to Ts'e. . . . The marquis of Ts'e did not hesitate to execute his own sister, whose wickedness was so atrocious; [31] but Confucius in his classics conceals the nature of her death.

This case is interesting also from the standpoint of interstate relations. The "Commentary" points out that while Gae Keang had done some act which would give her brother the right to put her to death, for, under the rules of filial piety, which the writers of the "Commentaries" would have in mind, her obediences should be rendered to her male relatives, but a legal interstate question is brought out. She had married into the state of Lu; but, as she had fled from there to Ts'e, Lu's jurisdiction did not hold, some claim, and it was therefore proper for the marquis of Ts'e to execute her. Other "Commentaries" suggest that she should have been sent back to Lu for punishment.[32]

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[30] "Ch'un Ts'iu," "Duke He," first year, Vol. 5, p. 133.

[31] Tso's "Commentary," p. 134.

[32] "Ch'un Ts'iu," Legge's "Notes," p. 135. The Commentaries referred to were of the Chou period.

Chapter VIII

THE ART OF GOVERNMENT

"Virtue alone is not sufficient for the exercise of government; laws alone cannot carry themselves into practice." [1]

When Mencius called attention to the above statement he laid down the principle that there was an art of government as well as a wish to govern well. This art can be acquired, he taught, by studying the successful administrations of the ancients. No people ever stressed the proper manner of doing things more than the Confucianists. All action was studied and in conformity with rule. The rules of propriety made the way of man the way of the gentleman and the way of the ruler the way of the virtuous and benevolent official. Therefore, the first step in acquiring the art of government was to become virtuous, and this was done by self-examination. "When a man's person is correct, the whole empire will turn to him with recognition and submission." [2]

"Tsze-Chang asked about government. The Master said: "The art of governing is to keep its affairs before the mind without weariness, and to practice them without undeviating consistency." [3]

The ancients taught that there were nine virtues essential to good government.[4]

"Kaou-yaou said, 'Oh! there are in all nine virtues to be discovered in conduct; and when we say that a man possesses any virtue that is as much as to say he does such and such things.' Yu said, 'What are the nine virtues?' Kaou-yaou said, 'Affability combined with dignity; mildness combined with firmness; bluntness combined with respectfulness; aptness for government combined with reverence; docility combined with boldness; straightforwardness combined with gentleness; easiness combined with discrimination; vigour

[1] "Mencius," Bk. IV, Pt. I, Ch. 1.
[2] Ibid., Bk. IV, Pt. I, Ch. 4.
[3] "Analects," Bk. XII, Ch. 14.
[4] "Shu King," "Counsels of Kaou-yaou," pp. 69, 70.

combined with righteousness. When these qualities are displayed, and that permanently, have we not the good officer?'"

Confucius [5] lays down and explains nine rules for the person in authority.

"Tsze-Chang asked Confucius, saying, 'In what way should a person in authority act in order that he may conduct government properly?' The Master replied, 'Let him honor the five excellent, and banish away the four bad things, then may he conduct government properly.' Tsze-Chang said, 'What are meant by the five excellent things?' The Master said, 'When a person in authority is beneficent without great expenditures; when he lays tasks on the people without their repining; when he pursues what he desires without being covetous; when he maintains a dignified ease without being proud; when he is majestic without being fierce.'

"Tsze-Chang said, 'What is meant by being beneficent without great expenditure?' The Master replied, 'When the person in authority makes more beneficial to the people the things from which they naturally derive benefit;—is not this being beneficent without great expenditure? When he chooses the labors which are proper, and makes them labor on them who will repine? When his desires are set on benevolent government and he secures it, who will accuse him of covetousness? Whether he has to do with many people or few, or with things great or small, he does not dare to indicate any disrespect:—is not this to maintain a dignified ease without any pride? He adjusts his clothes and cap and throws a dignity into his looks, so that, thus dignified he is looked at with awe: is not this to be majestic without being fierce?'

"Tsze-Chang then asked, 'What are meant by the four bad things?' The Master said, 'To put the people to death [6] without having instructed them: this is called cruelty. To require from them suddenly the full tale of work without having given them warning: this is called oppression. To issue orders as if without urgency, at first and when the time comes to insist on them with severity: this is called injury. And

[5] "Analects," Bk. XX, Ch. 2.

[6] In another place Confucius condemns capital punishment outright. "How would it do to execute the lawless for the good of the law-abiding?" "What need, sir, is there of capital punishment in your administration?" responded Confucius. "If your aspirations are for good, sir, the people will be good. The Moral Character of those in high position is the breeze, the character of those below is the grass, when the grass has the breeze upon it, it assuredly bends." ("Analects," Bk. XII, Ch. 19, Soothill Translation.)

generally, in the giving pay or rewards to men, to do it in a stingy way; this is called acting the part of a mere official.'" [7]

Confucius in the Ch'un Ts'in, fifth year of Duke Yin says, "In the fifth year, in the spring the Duke went to see the fishermen at T'ang." The record is made by Confucius in order to condemn the duke for doing something outside the line of his official duties. Tso says:

"The duke being about to go to T'ang, to see the fisherman, T'ang He-iph remonstrated with him, saying, 'All pursuit of creatures in which the great affairs of the State are not illustrated, and when they do not supply materials available for use in its various requirements, the ruler does not engage in. Into the idea of a ruler it enters that he lead and help the people on to what should be observed, and all the ramifications thereof.'" [8]

Appointment of proper assistants is extremely important, since they too must be schooled in the art of government.[9] Insubordination on the part of ministers should be looked upon as a disgrace to the ruler.[10] The ruler must be a sage, so that there will be a great harmony in all things, with virtue, righteousness, and propriety all in their proper places.[11] In acquiring the art of government much depends upon good examples, the regulation of self and then of one's family, for the ruler is always being watched.[12] Confucius summarizes by showing that the official who has acquired the art of government will so conduct his life that he will pay "reverent attention to business and sincerity"; and will rule "with economy in expenditure, and love of men," will care for "the employment of the people at the proper time." [13]

In acquiring the art of government there can be no separation in the ethical, moral, and political teachings, for the aim is to develop an attitude of complete responsibility on the part of the officials, not only for themselves and their acts, but also for the people. The secret in acquiring success in the art of government is in learning the laws of life and nature,

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[7] "Analects," Bk. XX, Ch. 2.
[8] Tso's "Commentary," p. 18.
[9] Ibid., p. 469.
[10] Ibid., p. 475.
[11] Ibid., p. 395.
[12] "Great Learning," Ch. 9.
[13] "Analects," Bk. I, Ch. 5.

getting in harmony with the great scheme of things, and then directing the people in accordance with those laws.[14]

Let us now give consideration to one great source of the science or art of government. The ancient Chinese thought they had a key to the proper understanding of the science of government in "The Great Plan," the fourth of the Books of Shang in the "Shu King." The Chinese themselves cannot understand the book to-day, but that it was an attempt to explain the great scheme of things there can be no doubt. In it divination, the virtue of numbers, morals, physics, religion, and astrology are so intermixed that the governmental elements seem to be over-shadowed. When the political elements are stressed it is readily seen that we have a foundation text in the science of government, for the successful ruler must know, understand, and direct his administration in conformity with the great laws of Heaven and Earth. And this great scheme of government seems, therefore, to have been intended as a guide to rulers.

We shall emphasize the political ideas as we let the Book itself tell its own story.[15]

The Great Plan

"L. In the thirteenth year, the king went to inquire of the viscount of Ke, and said of him, 'Oh! viscount of Ke, heaven, unseen, has given their constitution to mankind, aiding also the harmonious development of it in their various conditions. I do not know how their proper virtues in their various relations should be brought in due order.'

[14] Professor Beard, in his "Economic Basis of Politics," expresses what is in reality the Chinese purpose for acquiring the art of government almost completely when he says: "We may upon reflection decide that the distribution of property is the result of the changeless forces inherent in the nature of man, and that the statesman is not a maker but an observer of destiny. Or we may hold that once the forces of social evolution are widely understood man may subdue them to his purposes. He may so control the distribution of wealth as to establish an ideal form of society and prevent the eternal struggle of classes that has shaken so many nations to their foundations. Man, the servant of fate, may become the master."

[15] The Great Plan is found on pages 320 to 344 of the "Shu King." "The Great Plan with its Nine Divisions was made public under the Chou dynasty. It is ranked as a "Book of Chou." It is often referred to as one of the "Books of Shang," as having emanated from the Viscount of Ke, who should properly be adjudged to that dynasty. When we read the book itself, we see that it originally belonged to the time of Hea, and at least the central portion or text of it should be ascribed to "The Great Yu." We have therefore a fragment in it of very ancient learning. How this came into the possession of the Viscount of Ke we cannot tell. It does not seem to have occurred to the Chinese critics to make the inquiry" (Legge's "Notes," p. 320).

"The viscount of Ke thereupon replied, I have heard that of old time K'wan dammed up the inundating waters, and thereby threw into disorder the arrangement of the five elements. God was thereby roused to anger, and did not give him the Great Plan with its nine divisions, whereby the proper virtues of the various relations were left to go to ruin. K'wan was then kept a prisoner till his death, and Yu rose up to continue his undertaking. To him Heaven gave the Great Plan with its nine divisions, and thereby the proper virtues of the various relations were brought forth in their order."

The spirit which has characterized the investigators of this important document is illustrated by the following words which I quote from Legge: "The explanations of this Book are overlaid with absurd twaddle about the virtue of numbers as related to Heaven and Earth, to the Yin and the Yang, and to the cardinal points." Therefore, in looking for the political aspects of the document, I am probably overlooking what to others has been its most important attractions. Despite this, I shall not attempt to solve the puzzles, but shall be content with pointing out the lessons which it laid down for the student-ruler of ancient China.

In the above quoted paragraphs there are three fundamental items that the student must know: (a) "Heaven has given this constitution to mankind" and the plan was given as a result of an inquiry of a king who wanted to rule aright. These concepts are basic in Chinese theory. (b) K'wan did not rule by law of nature, for by his rule he "thereby threw into disorder the arrangement of the five elements." And as a result, "God did not give him 'the Great Plan' whereby the proper virtues of the various relations were left to ruin." (c) To a worthy ruler, Yu, Heaven gave the plan "and thereby the proper virtues of the various relations were brought forth in their order."

Lest there be some misunderstanding of words used, it may be well to repeat here that, while the plan is from Heaven, it is a plan in accord with the law of nature. The hint at revelation from God means simply that guidance which will put the ruler in harmony with nature has been given. Men have certain characteristics, some great and some inferior, and Heaven and Nature only have the key to bring proper harmony between them. These relations or gradations of men in respect to ability have here Heaven's and Nature's

approval. Government, therefore, should sustain these relations and thereby rule for man's benefit.

"Heaven, unseen, has given their constitution to mankind, aiding also the harmonious development of it in their various conditions." Heaven, therefore, has put its sanction on man as he is—'in his various stations'—it recognizes the superior and the inferior. The social order is from above and is not to be questioned. The form of government is approved and all will be well if those in their social order and those occupying places in the government care for their respective places and rule and are ruled in harmony with nature and Heaven. Thus the ruler does not question the various relations Heaven has fixed, but he must learn how to keep them in harmony. These are the first lessons both for the ruler and the ruled.

Have we not here the conceptions basic to Chinese stability? The form of government has remained the same, the social orders have not changed, and the philosophy of government has been constant in spite of protests of reformers through the ages.

II. "Of these divisions, the first is called 'The five Elements'; the second is called 'The Reverent Practice of the five Businesses'; the third is called 'Earnest Devotion to the eight objects of Government'; the fourth is called 'The Harmonious Use of the five Arrangements'; the fifth is called 'The Establishment and Use of Royal Perfection'; the sixth is called 'The Cultivation and Use of the three Virtues'; the seventh is called 'The Intelligent Use of the Examination of Doubts'; the eighth is called 'The Thoughtful Use of the various Verifications'; the ninth is called 'The Hortatory Use of the five Happinesses, and the Awing Use of the six Extremities.'"

The above paragraph names the nine divisions of the Great Plan. Each division represents a rule that must be understood or an attitude that must be acquired in maintaining the harmonies incident to good government.

III. "First, of the five elements.—The first is named water; the second, fire; the third, wood; the fourth, metal; the fifth, earth. The nature of water is to soak and descend; of fire, to blaze and ascend; of wood, to be crooked and to be straight; of metal, to obey and to change; while the virtue of earth is seen in seed-sowing and ingathering. That which

soaks and descends becomes salt; that which blazes and ascends becomes bitter; that which is crooked and straight becomes sour; that which obeys and changes becomes acrid; and from seed-sowing and ingathering comes sweetness."

By referring to "The Counsels of the Great Yu" [16] we may obtain the key to an understanding of this paragraph when considered in respect to government. "Virtue is seen in the goodness of government, and the government is tested by its nourishing of the people. There are water, fire, metal, wood, earth, and grain,—these must be duly regulated." These five elements together with grain describe in a simple way the essentials of human life. Each of them demands the attention of government, for it is from these "six magazines" that the people are provided with subsistence and comfort.

"Second, of the five businesses.—The first is called demeanor; the second, speech; the third, seeing; the fourth, hearing; and the fifth, thinking. The virtue of the demeanor is called respectfulness; of speech, accordance with reason; of seeing, clearness; of hearing, distinctness; and of thinking, perspicaciousness. The respectfulness becomes manifest in gravity; accordance with reason, in orderliness; the clearness, in wisdom; the distinctness, in deliberation; and the perspicaciousness, in sageness."

Authorities and commentators disagree greatly over the meaning of this paragraph, but, viewed in relation to what has gone before and with the statement taken from "The Counsels of the Great Yu" which follows the one referred to above, "these are the rectification of the people's virtue and the conveniences of life." [17] The whole paragraph seems to refer to the habits and actions which the ruler must acquire and cultivate.

"Third, of the eight objects of government:—the first is called food; the second, commodities; the third, sacrifices; the fourth, the minister of works; the fifth, the minister of instruction; the sixth, the minister of crime; the seventh, the entertainment of guests; the eighth, the army."

This paragraph outlines the things that must be attended to in government, and therefore an understanding of them must be mastered by the ruler. Government divides itself into these departments and they are listed here in the order

[16] "Shu King," "The Counsels of the Great Yu," paragraphs 7 and 8, p. 55.
[17] Ibid., p. 56.

of importance to the Chinese theory of government. Note the first places are given to the economic aspects. Food belongs to the Department of Agriculture, and commodities to trade. These two things being secured the people have the essentials of life, which gives them a chance to attend to education, religion, and their dead. Then follows the minister of works whose duty was to provide for better comfort and better living facilities. Next, in order, come the minister of Instruction, to teach morals; the minister of Justice, to enforce them; then entertainment of guests, representatives from the states; and, finally, the army to maintain security in the state.

"Fourth, of the five arrangements.—The first is called the year; the second, the month; the third, the day; the fourth, the stars and planets, and the zodiacal signs; and the fifth, the calendaric calculations."

Government must observe the calendar, the seasons, and the relations of the heavenly bodies. The planting and harvesting, the sacrifices and festivals must all be regulated. These are all important in the art of government.

"Fifth, of royal perfection.—The sovereign having established his highest point of excellence, he concentrates in himself the five happinesses, and then diffuses them so as to give them to his people—then on their part of multitudes of the people, resting in your perfection, will give to you the preservation of it. That the multitudes of the people have no lawless confederacies, and that men in office have no selfish combinations, will be an effect of the sovereign's establishing his highest point of excellence. Among all the multitudes of the people, when any have counsel and conduct, and keep themselves from evil, do you bear them in mind; those who do not come up to the highest excellence, and yet do not involve themselves in crime, let the sovereign receive; and when a placid satisfaction appears in their countenances, and they say—'our love is fixed on virtue,' do you then confer favour on them. Those men will in this way advance to the perfection of the sovereign. Do not oppress the friendless and childless; do not fear the high and illustrious. When men have ability and administrative power, cause them still more to cultivate their conduct, and the prosperity of the country will be promoted. All right men, having a competency, will go on to be good. If you cannot make men have what they love in their families, they will only proceed to be guilty of crime: while

they do not love virtue, though you confer favour on them, they will involve you in the guilt of employing them thus evil.

Without deflection, without unevenness,
Pursue the Royal righteousness;
Without any selfish likings,
Pursue the Royal way;
Without any selfish dislikings,
Pursue the Royal path;
Without deflection, without partiality,
Broad and long is the Royal path.
Without partiality, without deflection,
The Royal path is level and easy;
Without perversity, without one-sidedness,
The Royal path is right and straight,
Seeing this perfect excellence,
Turn to this perfect excellence."

The above outlines the relationships between the ruled and the ruler and lays down the rules of mutual responsibility. Royal government is the model and this was accepted as the ideal by the Confucian school. The ideal ruler will take care in learning what leads to what is perfect and excellent in government and in avoiding the opposites. Note the theory of government by good examples, the paternal notion, and the stressing of the welfare of the people. We have here bits of governmental wisdom which became fundamental in the Confucian theory.

"He went on to say, 'This amplification of the Royal perfection contains the unchanging rule, and is the great lesson; —yea, it is the lesson of God. All the multitudes instructed in this amplification of the perfect excellence, and carrying it into practice, will approximate to the glory of the son of Heaven, and say, 'The son of Heaven is the parent of the people, and so becomes the sovereign of the empire.'"

The theory that proper action begets proper action may be questioned by students of the science of government, but can better doctrine be found to instill into the heart and the mind of the prospective governor? It must be remembered that, under the Confucian scheme, government is always personal.

"Sixth, of the three virtues.—The first is called correctness and straightforwardness; the second, strong government; and the third, mild government. In peace and tranquillity, correctness and straightforwardness must sway; in violence and disorder, strong government must sway; in harmony and order, mild government must sway. For the reserved and retiring

there is the strong rule; for the lofty and intelligent there is the mild rule."

These are ideals for imperial rule, not ruling characteristics for the personal sovereign. The spirit of the sovereign authority must be made to fit the requirements of given times and conditions.

"It belongs only to the prince to confer favours, to display the terrors of majesty, and to receive the revenues of the empire. There should be no such thing as a minister conferring favours, displaying the terrors of justice, or receiving the revenues of the country. Such a thing is injurious to the families, and fatal to the States of the empire;—small officers become one-sided and perverse, and the people commit assumptions and excesses."

This teaches the basic theory of Chinese imperial sovereignty. The prerogatives of the ruler must be maintained if royal government is to remain secure.

"Seventh, of the examination of doubts.—Having chosen and appointed officers for divining by the tortoise and by the milfoil, they are to be charged on occasion to perform their duties. In doing this, they will find the appearances of rain, clearing up, cloudiness, want of connection and crossing; and the symbols, solidity, and repentance. In all the indications are seven;—five given by the tortoise, and two by the milfoil, by which the errors of affairs may be traced out. These officers having been appointed, when the operations with the tortoise and milfoil are proceeded with, three men are to obtain and interpret the indications and symbols, and the consenting words of two of them are to be followed.

"If you have doubts about any great matter, consult with your own heart; consult with your nobles and officers; consult with the masses of the people; consult the tortoise and milfoil. If you, the tortoise, the milfoil, the nobles and officers, and the common people all consent to a course, this is what is called a great concord, and the result will be the welfare of your person, and good fortune to your descendants. If you, the tortoise, and the milfoil all agree, while the nobles and common people oppose, the result will be fortunate. If the nobles and officers, and the tortoise, and the milfoil all agree, while you oppose and the common people oppose, internal operations will be fortunate, and external operations will be unlucky. When the tortoise and milfoil are both opposed

to the views of men, there will be good fortune in stillness, and active operations will be unlucky." [18]

The Great Plan is a scheme of government. Division seven gives the rules for making decisions in cases of doubt and in obtaining the general will. Under the ancient Chinese scheme the will of Heaven or the spirits was part of the general will. The manner of obtaining the will of Heaven seems rather crude, but the idea of seeking Heaven's aid and guidance is an idea not entirely foreign to modern man.[19] The emperor was consulted, the officials and nobles were consulted, the common people were consulted, and the spirits were consulted. When there was a difference of opinion, certain combinations of wills were thought better than others. There is really more practical politics in the section than religious superstition.[20] If the emperor and Heaven were in agreement, that combination was greater than the combined wills of the nobles, the officials, and the people. The nobles and the officers with the will of the spirits should prevail over the sovereign and the people. The people when supported by the spirits should have respect over the opinions of the ruler, the nobles, and the officers. If there is a division between the spirits, expressed by the tortoise shell and the stalks, and a division between the officers and the ruler or the common people, then both the forces of Heaven and the earth are out of harmony. This is a condition which need not lead to unfortunate results in internal operations (ordinary affairs of the state such as sacrifices, marriages, ceremonies relating to internal government); but if it is an external affair (such as military expeditions or relations with other states) the division of will is so marked that the outcome will be unfortunate. Of the five parties

[18] See Legge's "Notes," "Shu King," pp. 334–339, for interesting information about Divinations. Legge quotes from Choo,—He, who says: "The tortoise after great lengths of years becomes intelligent, and the 'She' plant will yield, when a hundred years old, a hundred stalks from one root, and is also a spiritual and intelligent thing." The purpose of using the tortoise and the milfoil ("She" plant) is to obtain wishes of spiritual beings.

[19] I am writing on June 11, 1924. I read in this morning's paper that the Republican National Convention, at Cleveland, Ohio, which met yesterday, was opened with a prayer which asked for God's guidance. The gentleman who prayed should have asked for Heaven's sanction, for every delegate present knows that Calvin Coolidge will be nominated and a platform already prepared will be adopted. Truly, "Heaven sees as the people see; Heaven hears as the people hear!"

[20] Legge says: "The course proposed for the satisfaction of doubts shows us at how early an age the Chinese had come under the power of absurd superstitions" ("Shu King," p. 334).

whose opinions were to be weighed it will be noted that three are of the earth and two represent the influence of Heaven. Heaven's will carries the point of dispute in all cases where the two agencies of Heaven agree; when Heaven is divided against itself some other compromise has to be arranged. The student of the world's history, viewing these matters from the standpoint of practical politics or successful science of government, will find nothing new or odd in this making of Heaven the arbiter of disputes between classes, and such students will, I think, be inclined to admit that the plan was undoubtedly as successful in China as it has been in other parts of the world. In ancient China where "of all who are to be feared, are not the people the chief?" [21] of the various classes in government, and where "Heaven sees according as my people see and Heaven hears according as my people hear," [22] the early ruling classes were not long in discovering a means of checking what the ruling property controlling class always considers the impulsive, intemperate, and ignorant outbursts and demands of the populace. Division seven thus considered as an instrument of government rather than an absurd "superstition" [23] becomes a practical working arrangement which adds to government's stability and aids in preserving the peace.[24]

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[21] "Shu King," "The Counsels of the Great Yu," p. 62.

[22] "Mencius," Bk. V, Pt. I, Ch. 5.

[23] Many extralegal and extraconstitutional practices of governments to-day are absurd superstitions, for example, the third term in America, the King's veto in England. If we transfer our thoughts to party politics in America "absurd superstitions" abound. They are the stock and trade of many a practical politician. I am still writing on June 11; the papers tell us to-day that no matter what business may develop, the nominations will be made and the convention adjourned by Thursday night because Friday is the 13th!

[24] Legge's "Notes on Shu King," p. 338, read, "Many Chinese critics of more recent times seem to have an uneasy feeling of dissatisfaction on the subject of ancient divinations; but hardly one has the courage boldly and fairly to disown them. To do so would be inconsistent with the proper veneration for the sages. "Ts'ae Ch'in (A. D. 1167–1230) said: "Not to do what in right ought to be done:—no rule for this can be obtained from numbers; and no rule can be obtained from them to do what in right ought not to be done. There should be no divination in reference to what would not be right, and no divination where there were no doubts. To divine where there are no doubts is called a "piece of folly"; to do so in reference to what would not be right is called a "piece of deception."

Woo Ch'ing (A. D. 1247–1331) observed: "From the oldest time never has anything turned out fortunate which the nobles and officers, with the common people, all disapproved of. Were the statements of the Viscount Ke to obtain currency and credence the sovereigns of future ages would be found casting away their high ministers and officers, and slighting their people, attending only to the intimations of the tortoise shell and the 'She.' Perverted talk and strange principles would find their way to influence and there would be no end to the troubles of the empire. These passages

"Eighth, of the various verifications.—They are rain; sunshine; heat; cold; wind; and seasonableness. When the five come all complete, and each is in its proper order, even the various plants will be abundantly luxuriant. Should any one of them be either excessively abundant, or excessively deficient, there is evil.

"There are the favorable verifications:—namely, of gravity, which is emblemed by seasonable rain; of orderliness, emblemed by seasonable sunshine; of wisdom, emblemed by seasonable heat; of deliberation, emblemed by seasonable cold; and of sageness, emblemed by seasonable wind. There are also the unfavourable verifications:—namely, of wildness, emblemed by constant rain; of assumption, emblemed by constant sunshine; of indolence, emblemed by constant heat; of haste, emblemed by constant cold; and of stupidity, emblemed by constant wind.

"He went on to say, 'The sovereign is to examine the character of the whole year; nobles and officers, that of the months; and the inferior officers, that of the day. If throughout the year, the month, the day, there be unchanging seasonableness, all the kinds of grain are matured; the operations of government are wise; heroic men stand forth eminent; and in the families of the people there are peace and prosperity. If throughout the year, the month, the day, the seasonableness is interrupted, the various kinds of grain do not become matured; the operations of government are dark and unwise; heroic men are reduced to obscurity; and in the families of the people there is no repose.'"

As Heaven expresses its will or its approval or disapproval of the rulers' actions, various signs are here given to help the ruler understand Heaven's natural agencies.

We also have another lesson in royal sovereignty. The sovereign stands to his nobles and great officers as the year to the months, including and leading them all on; and they in turn stand to their inferiors as the month to the days. From the standpoint of official responsibility the emperor's respon-

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belong to the fondness for superstition which was characteristic of the Shang dynasty; accustomed to hear such things said, the people believed them, and even a man of worth like Viscount of Ke, could not keep himself from going with the current of the prevailing custom."

Woo Ch'ing can hardly be right in considering the divination, by means of the Tortoise shell and the "She" stalks, a supersition belonging to the Shang dynasty only. Confucius in his day accepted the system.

sibility never ceases, and, in addition, it must be broad enough to embrace the responsibilities of subordinates, and so with the higher and lower officials.

"The common people are like the stars. Some stars love the wind, and some love the rain. The course of the sun and moon give winter and summer. The course of the moon among the stars gives wind and rain.

"Ninth, of the five happinesses.—The first is long life; the second is riches; the third is soundness of body and serenity of mind; the fourth is the love of virtue; the fifth is an end crowning the life. As to the six extremities again, the first is misfortune, shortening the life; and second is sickness; and the third is sorrow; the fourth is poverty; the fifth is wickedness; the sixth is weakness."

This division seems merely to imply that the sovereign may learn his ability and success as a ruler or his failure from examining the happinesses and the extremities of his people. That these happinesses should be among the people should be the sovereign's aim and that the extremities should not be present, his desire.[25]

In addition to acquiring a thorough knowledge of the theory and practice of government, the student-ruler must obtain a complete knowledge of the rules of propriety. After a scrutiny of the rules of propriety similar to these which I shall quote, the reader will readily see that government was actually an art.

"The son of Heaven does not look at a person above his collar or below his girdle; the ruler of a state looks at him a little lower than the collar; a great officer, on a line with his heart; and an ordinary officer, not from beyond a distance of five paces. In all cases looks directed above to the face denote pride and below the girdle grief; directed askance they denote villainy." [26]

"When the ruler orders any special business from a Great Officer or other officer, he should assiduously discharge it; in their offices speaking only of the official business; in the treasury, of treasury business; in the arsenals, of arsenal busi-

[25] Legge does not think much of the plan. These are the ending words of his notes: "There are some right principles of morals and government in it, but, after hearing it all, King Woo must have been more in the dark than when he went to the Viscount at first with the remark that he did not know how the virtues in men's relations should be brought forth in their proper order." (p. 344.)

[26] "Li Ki," Bk. I, "The Khu Li," or "Summary of the Rules of Propriety," p. 118.

ness; and in the court, of court business. At court there should be no speaking about dogs and horses. When the audience is over and one looks about him, if he be not attracted by some strange thing, he must have strange thoughts in his mind. When one keeps looking about him after the business of the court is over, a superior man will pronounce him uncultivated. At court the conversation should be according to the rules of propriety; every question should be so proposed, and every answer so returned." [27]

"By way of presents of introduction, the son of Heaven uses, spirits of black millet; feudal princes, their symbols of jade; a high minister, a lamb; a Great Officer, a goose; an ordinary officer, a pheasant; a common man, a duck. Lads should bring their article and withdraw." [28]

"In presenting a daughter for the harem of the Son of Heaven, it is said, 'This is to complete the providers of sons for you;' for that of the ruler of a state, 'This is to complete the providers of your spirits and sauces;' for that of a Great Officer, 'This is to complete the number of those who sprinkle and sweep for you.'" [29]

Bryce has suggested that, in the study of government, politics may be considered as an applied science or a practical art. Politics may never have been considered a science by the Chinese, but government as an art has never been more fully recognized by other peoples in the other parts of the world.

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[27] "Li Ki," Bk. I, p. 118.
[28] Ibid., Bk. I, p. 119.
[29] Ibid., Bk. I, p. 119.

Chapter IX

THE EMPEROR

Government Based upon the Virtue of the Ruler

While it is hardly proper to speak of "the emperor" as being in existence at all during the Chou period, because it was not until the end of that dynasty that China became united under Ts'in Shih Hwangti and the empire became organized, that the Emperorship came into being. Still, the theory of the one supreme ruler is so inherent in the Chinese idea that I have chosen to use the word to signify not only what the emperor actually was in later history but also to stand for the emperor-type of the Chou and early period. Yao, Shun, and Yu are commonly spoken of as emperors, and many have supposed that the institution has consequently existed from very early times; but it is more probable that the title "Ti," which is translated "emperor" in referring to Yao and Shun, was a posthumous, rather than an earthly, title. Some word which signified "Father of the State" and which retained its religious, political, and even natural meaning would be the proper word.[1]

Wherever the state is conceived as a large family the monarchial order following the idea of the father seems the natural order. It is no more than an observation when I say it, but the persistency of the family idea in the Chinese mind has made for the persistency of the monarchial type. This I think will hold true whether the thought is of the small unit, the universal Good, or the whole state.

The emperor represents Heaven,[2] but not in the western sense by divine right. The Heaven represented is the Chinese Heaven. The Chinese Heaven is natural and its law works

[1] I feel justified in drawing this conclusion. I know that "Ti" may be translated "god" and that the ideograph has that meaning; but such a translation would help us little here, as we would next have to ask, "What did 'god' mean?"

[2] The most common title used to denote "emperor" is "Hwangti." It is defined as "the appellation of one possessing complete virtues, and able to act on heavenly principles" ("Chinese Repository," Vol. IV, p. 13).

in such a way that nothing is possible to man, be he ordinary man or emperor, but that which comes through the exercise of his own faculties, for the only divine laws are the positive laws of nature, of the body, of the mind, and those laws which come about through the natural associations of men with men. There is no perfect intelligence or will aside from that expressed by man in nature. The most perfect expressions of the will of Heaven according to Confucius were those expressed by the model patriarchs or first rulers. These he represents as divine in the Chinese sense, not supernatural, but wise men, whose government was a government of men of merit. The emperor was considered as Heaven and the people as earth. The emperor, that is the good emperor, therefore, must make the people happy.

Hence comes the absolute confidence that official virtue may govern with perfect success. The virtuous official has all nature and all mankind on his side. "The people," says Mencius, "turn to a benevolent rule as water flows downward, and as the wild beasts fly to the wilderness." [3] It is said that Confucius claimed that he could perfect a fallen state in three years by means of this principle of benevolence if he were given full control.[4] The Confucian theory is the simple one of displaying a proper example. Given a ruler who governs himself wisely, his household imitates him, the high officials follow, and the inferior officials follow the higher, and so on down until virtue fills the whole land and all the people in it. When that is accomplished there is complete harmony between Heaven and earth. The key, then, to good government is the emperor. He holds the kingdom "in the hollow of his hand." That, then, is the emperor's responsibility. Failure is a sure sign that the emperor is out of harmony and he thus ceases to be emperor and must go. Heaven will soon show its displeasure and the people will soon bring about the removal of the offending ruler. That is the theory, and Chinese history has responded well to that theory.

It is here that the theory of the people's right to depose a ruler has its origin.[5]

Under the Confucian scheme the virtue of the emperor is an absolute requirement to the successful operation of that

[3] "Mencius," Bk. IV, Pt. I, Ch. 9.
[4] "Analects," XIII, Ch. 10.
[5] See "Mencius," Ch. 6.

office. "There is no instance of the whole empire being obtained by any one without benevolence," [6] says Mencius. The theory of the benevolent ruler is based upon this conception.

The conception of the title, "Son of Heaven," according to Legge, is [7] "Heaven sonned," Heaven's very first-born; therefore, a perfect one. Without virtue and benevolence in the emperor the Confucian scheme fails. The principle is also accepted by Lao Tzu, "the Kings not models, but on haughtiness bent, their fall, forsooth, is imminent." [8]

The basis of the Confucian royal scheme, which rested upon the virtue and benevolence of the emperor, had Mencius' complete approval. In speaking to King Hue of Liang (Pt. I) he says that the basis of good government is love and protection of the people, which is the fundamental principle of a benevolent ruler, and when this virtue is in the ruler it will affect not only internal affairs but all relations with neighboring states.

Mencius credits Confucius with having said:

"The flowing progress of virtue is more rapid than the transmission of royal orders by stages and couriers. If the ruler will put into practice a benevolent government, no power will be able to prevent his becoming sovereign." [9] "Benevolence brings glory to a Prince and the opposite of it brings disgrace. . . . " Let the Prince "clearly digest the principles of his government with its legal sanctions." [10]

Benevolence, righteousness, propriety, and knowledge are the four virtues, and the harmony of perfect music typified these workings in the ruler. "By hearing his music I know the character of his virtue." [11] The true ruler is a perfect expression of the harmony in nature.

Thus the emperor, representing not only the state but also the harmony of the Universe, seems in a way to be an impersonal being—he is, to be sure, an institution—but personal responsibility is in reality never taken from him. During the period of Chou, the emperor as an institution had not developed as fully and as completely in practice as it did in later times; still the theory is always present, even during the time when the separate states were not only independent but

[6] See "Mencius," Bk. VII, Pt. II, Ch. 13.
[7] "Li Ki," p. 107.
[8] Carus' Lao Tzu, "Canon of Reason and Virtue," Ch. 39.
[9] "Mencius," Bk. II, Pt. I, Ch. 1.
[10] Ibid., Bk. II, Pt. I, Ch. 4.
[11] Ibid., Bk. II, Pt. I, Ch. 2.

contained in themselves the most of the governmental power. The theory of the emperor has its basis in the law of the family. He is the son of Heaven and the father of the people, an idea more all-embracing and more universal than the divine right of kings. The son of Heaven should not be spoken of as "going out of a state." All states are his. Wherever he may flee, he is still in what is his own land.[12]

That virtuous example is more effective in government than law itself, Confucius points out.

"If you govern the people by laws, and keep them in order by penalties, they will avoid the penalties, yet lose their sense of shame. But if you govern them by your moral excellence and keep them in order by your decorous conduct they will retain their sense of shame, and also live up to the standard." [13]

It follows naturally that if government by a benevolent and virtuous emperor is in harmony with nature, then Confucius would support the royal government as being the best. This he does. It is not only best from the standpoint of the rules of propriety, but in practice it functions the most successfully. It is the only type of government which is lasting. When the emperor is in control and all "the civil ordinances and punitive expeditions issue from him," then does the government remain good and stable. If the emperor fails and orders go from the princes, the government becomes not so good and "it is rare if his kingdom is not lost within ten generations." If the lesser ministers gain control and issue orders, government becomes even more uncertain, less good, and totters more surely to a speedy fall. "It is rare if it be not lost within three generations." [14] Confucius plainly shows that royal government is superior to any other form and, as government changes from royal to aristocratic, and then to oligarchic, it becomes less stable and less good. There is contentment among the people and the rulers under royal government, and when it properly functions the people are happy and they "do not even discuss it." Any other form brings uncertainty, nobles become rivals, ambitions start, there is laxness in form, and the people become aroused. Government thus having become unstable it soon falls.

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[12] "Li Ki," "The Khu Li," p. 113.
[13] "Analects," Bk. II, Ch. 3.
[14] Ibid., Bk. XVI, Ch. 2.

"He who governs by his moral excellence may become compared to the pole star, which abides in its place, while all the stars bow towards it." [15]

Mencius argues the necessity of a ruler's being a lover of righteousness, because it is only in that way that he will attract the good and the virtuous, and if he is not surrounded by the good he will not be judged good. This emphasizes the worth of the person in government.[16]

But both Mencius and Confucius, while stressing virtue in the ruler, were practical, for the three precious things which Mencius would have the prince care for are, in relative importance, the territory, the people, and the government. Confucius, in his "Analects," [17] puts these words into the mouths of model rulers: "Should the land be lean, Heaven's bounties forever end." "He paid careful attention to the weights and measures, revised the laws and the regulations, restored the disused offices, and universal government prevailed."

It is natural that in any department of the theory of Chinese politics we should see fundamental thoughts of Chinese philosophy. We have talked much about virtue, but we have not defined it. Real virtue is that which reflects itself in good government. Therefore, virtue means more than action, it must be inherent. We have the key to the Chinese conception of virtue in the ruler in this quotation:

"Anciently there was the Emperor Yao, all informed, intelligent, accomplished and thoughtful. . . . He wished to retire from the throne and resign to Shun. . . . Shun was of low and undistinguished position, when Yao heard of his comprehensive intelligence." [18]

Thus it is the wise man among men ruling by right of his wisdom and virtue. Chinese government as accepted by the Confucian school is spoken of as being "paternal." We see from the above that "paternal" is hardly the proper word either in English or in Chinese. The Chinese imperial system is not what the student of politics ordinarily considers as "paternal." The word which is used by Mencius is "parental." [19] Confucius would agree with this, for in the "Li Ki" we read:

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[15] "Analects," Bk. II, Ch. 1.
[16] "Mencius," Bk. VI, Ch. 2.
[17] "Analects," Bk. XX, Ch. 1.
[18] "Shu King," Preface, p. 1.
[19] "Mencius," Bk. III, Pt. I, Ch. 3.

"In passing by the side of Mount Thai, Confucius came on a woman who was wailing bitterly by a grave. The Master bowed forward to the cross-bar, and hastened to her; and then sent Tse-lu to question her. 'Your wailing,' said he, 'is altogether like that of one who has suffered sorrow upon sorrow.' She replied, 'It is so. Formerly, my husband's father was killed here by a tiger. My husband was also killed (by another), and now my son has died in the same way!' The Master said, 'Why do you not leave the place?' The answer was, 'There is no oppressive government here.' The Master then said (to the disciples), 'Remember this, my little children, Oppressive government is more terrible than tigers.'" [20]

The wise ruler will provide entertainment and instruction. Mencius does not suggest the gross type of entertainment, but he did recognize the people's natural desires, and the ruler is to judge of the people's natural desires from his own. "If the people generally are not able to enjoy themselves, they condemn their superiors. . . . If the superiors of the people do not make enjoyment a thing common to the people and themselves, they . . . do wrong." [21] What is good for the prince is good for the people. Here we see the theoretical equality of natural man, not equal in ability, either to do or to enjoy. The Chinese were too observant for that idea, but men in their natural instincts were equal and their feelings were the same. Just as the king enjoys comfort so also do the people. And the wise prince sees that they get it.

"When a ruler rejoices in the joy of his people, they also rejoice in his joy; when he grieves at the sorrow of his people, they also grieve at his sorrow. A sympathy of joy will pervade the empire; a sympathy of sorrow will do the same:—in such a state of things it cannot be but that the ruler attain to the Imperial dignity." [22]

Public holidays and festivals are good for the people. In the use of strong drink on these occasions it was the manner of drinking and not the amount that was important. But the rulers must restrain themselves, even if the people need not. Prohibition by means of the rules of propriety was the Confucian standard. [23]

[20] "Li Ki," "The Shan Kung," p. 190.
[21] "Mencius," Bk. I, Pt. II, Ch. 4.
[22] Ibid., Bk. I, Pt. II, Ch. 4.
[23] See "Mencius," Ch. VI.

Virtue in the prince himself is not sufficient. He must see that virtue characterizes all who represent him. If he fail to use the good, his state will perish. "The Duke Hwan of Tse went to Kwoh, and asked an old man how the state had come to ruin. The reply was, 'It was because our Lord loved good and hated evil.' 'According to your words,' said the Duke, 'he was a worthy prince. How could he come to ruin?' The old man answered, 'He loved the good, but he was unable to employ them. He hated the bad, but he was unable to put them away. Therefore it was that the state perished.'" [24]

The praise and the support of the people are essential, but the ruler should not go against right to please them. The ruler's responsibility is stated by Yu.[25] He shows that there was an early appreciation of the fact that success in government depended upon the wisdom, the virtue, and the goodness of the ruler and that these attributes will be reflected in the people.

In the "Shu King," "The Announcement of the Duke of Shaou," the king is spoken of as the vicegerent of God, but the vicegerency depended not on birth or the kingship, but on the proper attainment of virtue.

On the use of force by a prince, Mencius says: "When one by force subdues men, they do not submit to him in heart, they submit because their strength is not adequate to resist. When one subdues men by virtue in their hearts' core they are pleased, and sincerely submit." [26]

The emperor should not only be an expert in government himself, but he should surround himself with experts; and when he has advisers he should take their advice. Mencius asks if one would give over an unwrought gem to any but an expert to finish and polish. The unskilled might ruin it. The unskilled in government brings ruin to the people.

The benevolent indeed have no enemies,[27] but Chinese theory of the emperor, though apparently resting on the virtue and goodness of the ruler, is, in the final analysis, based on wisdom. The following quotation from an American source expresses well the Chinese theory. Speaking of the American Supreme Court, the *Gazette* of the United States of March 6, 1790, said:

[24] "Ch'un Ts'iu," Legge's "Notes," p. 108.
[25] "Shu King," "The Counsels of the Great Yu," p. 52.
[26] "Mencius," Bk. II, Pt. I, Ch. 3.
[27] Ibid., Bk. I, Pt. I, Ch. 5.

"Where the most important rights of man must in time be discussed and determined upon, as well those of nations, as of individuals. Happy country! whose judges rendered independent, and selected for their wisdom and virtue, constitute so firm a barrier against tyranny and usurpation on the one hand and fraud and licentiousness on the other."

It is Chuang Tzu who shows the way. "The wise man acts for the common weal, in pursuit of which does not overstep due limits." [28]

Great support for government by the virtuous comes from Lao Tzu and Chuang Tzu. "In government goodness standeth for order," says Lao Tzu.

The force of goodness and benevolence and the ineffectiveness of force are constant teachings of these men.

"The holy man abides by nonassertion in his affairs and conveys by silence his instruction. When the ten things arise, verily, he refuses them not. He quickens, but he owns not. He acts, but he claims not. Merit he accomplishes, but he does not dwell on it." [29]

The ruler may succeed in keeping the people contented and in order, by obeying the following:

"Keeping the people quiet.

"Not boasting of one's worth forestalls people's envy.

"Not prizing treasures difficult to obtain keeps people from committing theft.

"Not contemplating what kindles desire keeps the heart unconfused.

"Therefore the holy man, when he governs, empties the people's hearts, but fills their stomachs. He weakens their ambition, but strengthens their bones. Always he keeps the people unsophisticated and without desire. He causes that the crafty do not dare to act. When he acts with nonassertion there is nothing ungoverned." [30]

He must also be practical and self-effacing.

"Grasp to the full, are you not likely foiled? Scheme too sharply, can you wear long? If gold and jewels fill the room no one can protect it. Rich and high but proud, brings about its own doom. To accomplish merit and acquire fame, then to withdraw, that is Heaven's way. . . .

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[28] Giles' "Chuang Tzu," "Robber Che," p. 404.

[29] Carus, Lao Tzu, "Canon of Reason and Virtue," Chs. 2 and 3.

[30] Ibid., Ch. 3.

"Who loves the people when administering the country will practice nonassertion. . . .

"Therefore who administers the Empire as he takes care of his body can be entrusted with the Empire." [31]

"Of great rulers, the subjects do not notice the existence. To lesser ones, people are attached; they praise them. Still lesser ones, people fear, and mean ones, people despise.

"How reluctantly they (the great rulers) considered their words! Merit they accomplished; deeds they performed; and a hundred families thought: 'We are independent.'" [32]

Lao Tzu and Chuang Tzu both taught that government by too much law and regulation was bad. It destroyed the proper workings of the law of nature. The rulers, therefore, should rule as little as possible.

"With rectitude one governs the state; with craftiness one leads the army; with non-diplomacy one takes the Empire.

"The more restrictions and prohibitions are in the Empire, the poorer grow the people. The more weapons the people have, the more troubled is the state. The more there is cunning and skill, the more startling events happen. The more mandates and laws are enacted the more there will be thieves and robbers." [33]

But Lao Tzu does not take the responsibility of good government from the emperor; in fact, he supports the vicarious principle of his responsibility for the whole nation. The emperor as an institution is religious as well as political. He takes the guilt of the whole nation upon himself, when he brings his annual sacrifice, a full burnt offering, to Shang Ti, the Lord on High, and this is expressed in the quotation given below which seems to bear a remarkable similarity to the Christian doctrine, that Christ as the Great High Priest takes the sins of mankind upon his shoulders. The emperor as priest according to the primitive custom spoke in the name of the sacrificial animal, which represents the vicarious position of the one for the all.

Him who the country's sin makes his,
We hail as Priest at the great sacrifice.
Him who the curse bears of the country's failing,
As King of the Empire we are hailing.[34]

[31] Carus, Lao Tzu, "Canon of Reason and Virtue," Chs. 9, 10, 13.
[32] Ibid., Ch. 17.
[33] Ibid., Ch. 57.
[34] Ibid., Ch. 78.
That this ancient principle of vicarious responsibility persisted through the ages

The right to rule or to reign has been a hereditary right at various times in China, but in theory the right to rule or to

may be readily understood by reading the following prayer for rain issued by the emperor on July 24, 1832 ("Chinese Repository," Vol. I, p. 236):

"Kneeling, a memorial is hereby presented, to cause affairs to be heard.

"Oh, alas! imperial Heaven, were not the world afflicted by extraordinary changes, I would not dare to present extraordinary services. But this year the drought is most unusual. Summer is past, and no rain has fallen. Not only do agriculture and human beings feel the dire calamity, but also beasts and insects, herbs and trees, almost cease to live. I, the minister of Heaven, am placed over mankind, and am responsible for keeping the world in order and tranquilling the people. Although it is now impossible for me to sleep or eat with composure, although I am scorched with grief and tremble with anxiety, still, after all, no genial and copious showers have been obtained.

"Some days ago I fasted, and offered rich sacrifices on the altars of the gods of the land and the grain, and had to be thankful for gathering clouds and slight showers; but not enough to cause gladness. Looking up, I consider that Heaven's heart is benevolence and love. The sole cause is the daily deeper atrocity of my sins; but little sincerity and little devotion. Hence I have been unable to move Heaven's heart, and bring down abundant blessings.

"Having searched the records, I find that in the twenty-fourth year of Kien-lung my exalted Ancestor, the Emperor Pure, reverently performed a 'great snow service.' I feel impelled, by ten thousand considerations, to look up and imitate the usage, and with trembling anxiety rashly assail Heaven, examine myself, and consider my errors; looking up and hoping that I may obtain pardon. I ask myself whether in sacrificial services I have been disrespectful? Whether or not pride and prodigality have had a place in my heart, springing forth there unobserved? Whether, from length of time, I have become remiss in attending to the affairs of government, and have been unable to attend to them with that serious diligence and strenuous effort which I ought? Whether I have uttered irreverent words, and have deserved reprehension? Whether perfect equity has been attained in conferring rewards or inflicting punishments? Whether in raising mausolea and laying out gardens I have distressed the people and wasted property? Whether in the appointment of officers I have failed to obtain fit persons and thereby the acts of government have been petty and vexatious to the people? Whether punishments have been unjustly inflicted or not? Whether the oppressed have found no means of appeal? Whether in persecuting heterodox sects the innocent have not been involved? Whether or not the magistrates have insulted the people and refused to listen to their affairs? Whether, in the successive military operations on the western frontiers, there may not have been the horrors of human slaughter for the sake of imperial rewards? Whether the largesses bestowed on the afflicted southern provinces were properly applied, or the people were left to die in the ditches? Whether the efforts to exterminate or pacify the rebellious mountaineers of Hunan and Kwang-tung were properly conducted; or whether they led to the inhabitants being trampled on as mire and ashes? To all these topics to which my anxieties have been directed I ought to lay the plumb-line, and strenuously endeavor to correct what is wrong; still recollecting that there may be faults which have not occurred to me in my meditations.

"Prostrate I beg imperial Heaven (Hwang Tien) to pardon my ignorance and stupidity, and to grant me self-renovation; for myriads of innocent people are involved by me, the One man. My sins are so numerous it is difficult to escape from them. Summer is past and autumn arrived; to wait longer will really be impossible. Knocking head, I pray imperial Heaven to hasten and confer gracious deliverance—a speedy and divinely beneficial rain, to save the people's lives and in some degree redeem my iniquities. Oh, alas! imperial Heaven, observe these things. Oh, alas! imperial Heaven, be gracious to them I am inexpressibly grieved, alarmed, and frightened. Reverently this memorial is presented."

reign has had a broader base than that of mere birth. Chuang Tzu, in the first chapter of his "Transcendental Bliss," tells of the ancient Emperor Yao (2356 B. C.) offering his throne with the promise of abdication to a worthy hermit, Hsu Yu, on the basis that Hsu Yu's superior virtue entitles him to the throne. Chuang Tzu puts these words into Yao's mouth:

"If, when the sun and moon are shining, you persist in lighting a torch, is not that a misapplication of fire? If, when the rainy season is at its height, you still continue to water the ground, is not this a waste of labor? Now, sir, do you assume the reigns of Government, and the Empire will be at peace. I am but a dead body, conscious of my own deficiency. I beg you will ascend the throne."

The theory that proper example from above reflects itself on the people is also held by Chuang Tzu. He agrees with Confucius' teachings that in the case of Yao and Shun, who, being able to regulate their own lives, were thus able to regulate the lives of all men. Chuang Tzu states his doctrine in this way:

"Chien Wu meeting the eccentric chief Yu, the latter inquired saying, 'What did Jih Chung Shih teach you?'

"'He taught me,' replied Chien Wu, 'about the laws and the regulations which Princes evolve, and which he said none would venture not to hear and obey.' [Which was the rule by force.]

"'That is false teaching indeed,' replied Chieh Yu. 'To attempt to govern mankind thus, as well try to wade through the sea, to hew a passage through the river, or make a mosquito fly away with a mountain!

"'The government of the truly wise man has no concern with externals. He first perfects himself, and then by virtue thereof he is enabled to accomplish what he wants.'" [35]

The theory of primitive Chinese government was one which stood for government by force of character alone; [36] law and codes came later. In the institution of the emperor, the conception that goodness was inherent in the nature of man, that all men needed was the proper example and training, led to the theory which in a marked degree reflects itself in the thought of all these ancient philosophers whom we are here considering:

[35] Giles' "Chuang Tzu," "How to Govern," p. 92.

[36] Woodrow Wilson, in his essay, "Character of Democracy in the United States," says: "Such government as ours is a form of conduct, and its only stable foundation is character." ("An Old Master, and Other Political Essays," p. 116).

that the emperorship as an institution is a completely proper one. No thought as to its destruction or its substitution is found. It was submitted to by the people as a thing of nature itself. They seemed to claim a right to be governed and they reacted to it as if it were a duty to be led. The Confucian state based upon the theory of the family recognized the emperorship not only as an ideal institution, but the only proper one, for, as in a family, there can only be one father, so in the state, be it universal, or local, there can be but one ruler.

Chapter X

THE PEOPLE

"The People is a Child."

The expression credited to Lao Tzu, "The people is a child," [1] is more than a pretty sentiment or a social description. It is actually a political concept. The emperor is the father of the people. In the patriarchal idea the son, no matter how mature in years he may become, remains a minor so long as the father lives. Confucius, evidently drawing his conclusion from the form of institution his theory takes, says: "The people may be made to follow a path of action, but they may not be made to understand it." [2] King Woo, in the "Shu King," advises his brother to act in government "as if you were guarding infants." [3] By this theory the prince is not only the father, but also the teacher, the high priest, and in a way the guide in all things for his vast permanently immature family. Under such a system the necessity for laws of a statutory character do not come excepting during times of, or as an outgrowth of, ill-working family relationships, and to the mind of the early Chinese thinker the presence of written law is the proof positive of its need, and, therefore, in turn is proof of bad government.

"Heaven and earth are parent of all creatures. Sincerity and wisdom become the sovereign; for he is the parent of the people." [4]

The requisites of government are sufficiency of food and military force, and the confidence of the people in their ruler. "If the people have no faith in their ruler, there is no standing for the state." [5]

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[1] Carus' "Canon of Reason and Virtue," Ch. 49, translates this, "The Holy man treats them all like Children." During times of trouble the vexed official may, without doing violence to Lao Tzu's meaning, quote his idea in these words, "The people are little babies."

[2] "Analects," Bk. VIII, Ch. 9.

[3] "Shu King," "The Announcement of the Prince of K'ang," p. 389.

[4] Ibid., "The Great Declaration," p. 283.

[5] "Analects," Bk. XIII, Ch. 7.

This "child," the people, according to Confucius and his followers, must be trained, taught, led, and constantly governed by rules of propriety in an organized government which is held up as divine or at least as an institution which is in harmony with Heaven. The "child" need not think; he merely submits to rules. If theories make people, have we not here a picture of China of the ages?[6] A people, as a mass, of little individuality, happy in submission to the good or the virtuous, so long as evidence is given that the rules of propriety are being observed by their rulers, and, therefore, slow to self-assertion. The Confucian school holds that there cannot be too much government for the "child," for government means training according to rule.

Lao Tzu and his followers hold to the doctrine of as little government as possible, that the people, being a "child," should be allowed to grow and live true to its nature, and that rules and too much guidance are not for its good. To obey the rules of the wise was against nature. Too much government leads to fraud and "the people are difficult to govern because their superiors are too meddlesome."[7] But, says Confucius, "it is better to be mean than to be insubordinate."

"To obey the rules of the wise is against nature" is the advice of one. To disobey the rules of the wise is against nature is the advice of another. It is a question, then, not of what the "child" is, but rather of how he shall be reared. The fact of the "child" is not questioned. Chuang Tzu, in one of his attacks on the government of his day, says:

"The rulers of old set off all success to the credit of their people, attributing all failure to themselves. All that was right went to the credit of their people, all that was wrong they attributed to themselves. Therefore, if any matter fell short of achievement, they turned and blamed themselves.

"Not so the rulers of today; they conceal a thing and blame those who cannot see it. They impose dangerous tasks and punish those who dare not undertake them. They inflict

[6] "Sir Archibald Alison to this day holds that revolution is an infectious disease, beginning no one knows how, and going on no one knows where. There is but one rule of escape, explains the great historian: 'Stay still; don't move; do what you have been accustomed to do; and consult your grandmother on everything'" (Woodrow Wilson's "Character of Democracy in the United States," "An Old Master, and Other Political Essays," p. 101).

The Confucian theory made China stable by having the people act in accordance with the spirit of Sir Archibald Alison's one rule of escape.

[7] Carus' Lao Tzu, "Canon of Reason and Virtue," Ch. 75.

heavy burdens and chastise those who cannot bear them. They ordain long marches and slay those who cannot make them.

"And the people, feeling that their powers are inadequate, have recourse to fraud. For when there is so much fraud about (in their rulers), how can the people be otherwise than fraudulent? If their strength is insufficient, they will have recourse to fraud. If their knowledge is insufficient, they will have recourse to deceit. If their means are insufficient, they will steal. And for such robbery and theft who is really responsible?" [8]

Lao Tzu reasons thus:

"Govern a great country as you would fry small fish." [Neither gut nor scale them.]

"If with Reason (Tao) the Empire is managed, its ghosts will not spook. Not only will its ghosts not spook, but its Gods will not harm the people. Not only will its Gods not harm the people, but neither will its holy men harm the people. Since neither will do harm, therefore their virtues will be combined." [9]

"If the people are difficult to govern, it is because they are too smart. To govern the country with smartness is the country's curse. To govern the country without smartness is the country's blessing." [10]

"The people hunger because their superiors consume too many taxes; the people are difficult to govern because their superiors are too meddlesome." [11]

Mencius condemned the practice of rulers setting apart great tracts of land as preserves; rulers have no right to deprive the people of the rights to their lands.

"The King added, 'My park contains only forty square li, and the people still look on it as large. How is this?' 'The park of King Wan,' was the reply, 'contained seventy square li, but the grass cutters, and fuel gatherers had the privilege of entrance into it; so also had the catchers of pheasants and hares. He shared it with the people, and was it not with reason that they looked on it as small?

"'When I first arrived at the borders of your kingdom, I inquired about the great prohibitory regulations before I

[8] Giles', "Chuang Tzu," "Tse Yang," pp. 344–345.
[9] Carus' Lao Tzu, "Canon of Reason and Virtue," Ch. 69.
[10] Ibid., Ch. 65.
[11] Ibid., Ch. 75.

would venture to enter it; and I heard, that inside the barrier-gates there was a park of forty square li, and that he who killed a deer in it was held guilty of the same crime as if he had killed a man. Thus those forty li are a pitfall in the Middle Kingdom. Is it not with reason that the people look upon them as large?'" [12]

"King Wan used the strength of the people to make his tower and his pond and yet the people rejoiced to do the work, calling the tower, 'the marvellous tower,' . . . rejoicing that he had his large deer, his fishes, and turtles. The ancients caused the people to have pleasure as well as themselves, and therefore they could enjoy it." [13]

The power of the people in practical politics is recognized by Mencius. In considering the selection of minister, Mencius advised King Hsuan of Ch'i in this way:

"When all those about you say, 'This is a man of talents and virtue,' you may not therefore believe it. When your great officers all say, 'This is a man of talents and virtue,' neither may you believe it. When all the people say, 'This is a man of talents and virtue,' then examine into the case and when you find that the man is such, employ him."

And the same advice is given when it is suggested that a minister be dismissed. Respect is not to be paid to those around the king and to the great officers, but when all the people make demands then the king must act. The same process is advised in putting a man to death and when it is done it can be honestly charged that it was the "people who killed him," from whom it is implied, there need be no appeal or whose authority cannot be questioned. When a ruler acts in this way he acts as the parent of the people which shows him ideally in the relationship the ancient Chinese would have him.[14]

There is a slight inconsistency in reasoning here. Mencius stands by filial piety and shows that the ruler must be respected as in the position of a parent, but he also shows that it is the wise ruler or wise parent who listens to the will of the people

[12] Mencius, Bk. I, Pt. I, Ch. 2. These forest laws of Ch'i are hardly worse than those enacted by the first Norman sovereigns of England, when whoever killed a deer, a boar, or even a hare, was punished with the loss of eyes or with death when the statutes were obeyed, but the judges naturally repeatedly violated them as they were too severe.

[13] Ibid., Bk. I, Pt. II, Ch. 2.

[14] Ibid., Bk. I, Pt. II, Ch. 7.

or to the will of his children. This is a splendid example of the paradox of the Chinese political theory which bases government on the filial plan. Practically, the Chinese seem to know where the ultimate power rests; theoretically, they cling to an ideal. This statement describes well the old imperial government in theory and practice. The Chinese sound economic social system leaves the ultimate power in the people, and the ruler may be the father, a guide, but generally only the wise father and wise guide have long survived.[15]

The statement that the "people is a child" has as much truth in it in practice as in theory. The people have learned their power; the officials respect it. The boycott, the guild, the trade combinations against taxation, and the popular protest are all actions quite like those of a child, and, as the official is the parent, they are about as effective as the childish outbursts in every well regulated family.[16]

In the "Bamboo Annals," [17] we read:

"His first year was Kang Shin (57th cycle, B. C. 780), when he came to the throne, K'ew, the heir, son of Tsin, returned thither, and slew Shang-shuh. The people then raised him to the government, and he is known as Prince Wan."

Thus the power of the people was recognized as being the deciding voice from very ancient times.

Both Confucius and Mencius held that government exists for the benefit of the governed. "The Duke of She asked about government. The master said, 'Good government obtains when those who are near are made happy, and those who are far are attracted.' [18] Mencius was even stronger, "The people are the most important element; . . . the sovereign the least important." [19]

This idea is stressed by Confucius naturally in the effect good treatment would have upon the opinions of surrounding

[15] Chinese Constitution of October 10, 1923, Ch. II, Art. 2, reads: "The sovereign power of the republic shall reside in the whole people."

[16] The people's complaints were and are expressed in poetry writing. This freedom, which the people always enjoyed, of sending protests to the government, is a very important element in the Chinese system. The grand music master received the poems and presented them to the emperor. This one custom alone preserved in China freedom of speech and guaranteed to the people the right of protest. The official class understood the force of the custom, supported it, and used it in learning public sentiment.

[17] "Shu King," p. 157.

[18] "Analects," Bk. III, Ch. 16.

[19] "Mencius," Bk. VII, Pt. II, Ch. 14.

states and uncivilized tribes. But the real test of a government that is for the people's benefit is pointed out by Mencius, wherein he shows that economic happiness is the important essential.

"If the seasons of husbandry be not interfered with, the grain will be more than can be eaten. If close nets are not allowed to enter the pools and ponds, the fishes and turtles will be more than can be consumed. If the axes and bills enter the hills and forests only at the proper time, the wood will be more than can be used. When the grain and fish and turtles are more than can be eaten and there is more wood than can be used, this enables the people to nourish their living and bury their dead without any feeling against any. This condition, in which the people nourish their living and bury their dead, is the first step in kingly government." [20]

Thus Mencius seems to foreshadow modern agricultural departments and experiment stations and, in addition, teaches, in simple fashion, conservation, but he goes even further:

"Therefore an intelligent ruler will regulate the livelihood of the people, so as to make sure that they shall have sufficient wherewith to serve their parents and also sufficient wherewith to support their wives and children." [21]

Confucius, in the "Li Ki," lays down the principle that "with the ancients, in their government the love of men was the great point." [22]

Limitless confidence of the people may be attained, by the prince, when he shows "love and protection of the people; with this there is no power which can prevent a ruler from attaining it." [23]

"In the Book of Poetry, it is said, 'Before the sovereigns of the Yin dynasty had lost the hearts of the people, they could appear before God. Take warning from the House of Yin. The great decree is not easily preserved.' This shows that, by gaining the people, the Kingdom is gained, and by losing the people, the Kingdom is lost." [24]

This statement is characteristic of the view of Confucius concerning government. It was as said above already old in his time, for in the "Shu King," we read, "The people are

[20] "Mencius," Bk. I, Pt. I, Ch. 3.
[21] Ibid., Bk. I, Pt. I, Ch. 7.
[22] "Li Ki," "Ai Kung Wan," p. 264.
[23] "Mencius," Bk. I, Pt. I, Ch. 7.
[24] The "Great Learning," Ch. X.

the root of the country," [25] and "of all to be feared, are not the people the chief?" [26]

Mencius confirms this view for we read:

"Mencius said, 'Kee and Chow's losing the empire arose from their losing the people, and to lose the people means to lose their hearts. There is a way to get the empire:—get the people, and the empire is got. There is a way to get the people:—get their hearts, and the people are got. There is a way to get their hearts:—it is simply to collect for them what they like, and not to lay on them what they dislike." [27]

According to the "Shu King" the people rule according to the law of nature.

"II. The king said, 'Ah! ye multitudes of the myriad regions, listen clearly to the announcement of me, the one man. The great God has conferred even on the inferior people a moral sense, compliance with which would show their nature invariably right. But to cause them tranquilly to pursue the course which it would indicate, is the work of the sovereign.

"The king of Hea extinguished his virtue and played the tyrant, extending his oppression over you, the people of the myriad regions. Suffering from his cruel injuries, and unable to endure the wormwood and poison, you protested with one accord your innocence to the spirits of heaven and earth. The way of Heaven is to bless the good and to punish the bad. It sent down calamities on the House of Hea, to make manifest its crimes." [28]

The same idea is expressed in the "Shi King," [29]

"Heaven, in giving birth to the multitude of the people, to every faculty and relationship annexed its law. The people possess this normal nature, and they love normal virtue."

Mencius did not deny the divine right of kings; instead he proclaimed it following the leadership of Confucius, but with this explanation, taken from an ancient source:

"This sentiment is expressed in the words of the Great Declaration: 'Heaven sees as my people see: Heaven hears as my people hear.'" [30]

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[25] "Shu King," "The Songs of the Five Sons," p. 158.
[26] Ibid., "The Counsels of the Great Yu," p. 52.
[27] "Mencius," Bk. IV, Pt. I, Ch. 9.
[28] "Shu King," "The Announcement of T'ang," p. 184.
[29] "Major Odes," Ode 6, Decade III.
[30] "Mencius," Bk. V, Pt. I, Ch. 5.

The "Li Ki" relates that in early days all was democratic, thus:

"The eldest son of Heaven by his proper queen (was capped only as) an ordinary officer. There was nowhere such a thing as being born noble. Princes received their appointments on the hereditary principle (to teach them) to imitate the virtue of their predecessors. Men received office and rank according to the degree of their virtue. There was the conferring of an honorable designation after death; but that is a modern institution. Anciently there was no rank on birth, and no honorary title after death." [31]

In the same book the existence of a hereditary monarchy is deplored as a sign of degeneration, in these words: "Now that the Grand Course has fallen into disuse and obscurity, the Kingdom is a family inheritance." [32]

By the end of the first century A. D., China had overcome, so far as theory was concerned, any aristocracy of blood. The hereditary principle which Confucius deplored did receive great recognition during the feudal Chou period, although there were oaths and covenants taken against it, and it was by some condemned.[33] But the following quotation shows that it was generally accepted in the Chou period:

"When the viscount of Ts'oo raises individuals to office, they are of the same surname with himself, chosen from among relatives, and of other surnames, chosen from the old servants of the state." [34]

It is interesting to note that the only time that the hereditary principle, as applied to offices outside the Imperial family, seems consistent with the Chinese scheme of thought is during a decidedly strong feudal period, and in a time of petty states.

The conception of the people as a child is a conception not only consistent with paternal and parental government but also a logical and natural idea of government based upon the family organization. Such a conception, first of all, lays the responsibility for government upon the parents, the rulers. It assumes that the people, the child, is not only to be economically well provided for but also trained. If there should be bad manners and unreasonable actions on the part of the child,

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[31] "Li Ki," "The Kiao Theh Sang," p. 438.
[32] Ibid., "The Li Yun," p. 366.
[33] Tso's "Commentary," p. 291.
[34] Ibid., p. 317.

these things would reflect upon the parents. The practical outcome is that bad manners and unreasonable actions are avoided, in the state as in the family, by letting the child have his way. The Chinese state and the family are much alike. The theory and form represent a proper organization with proper relationships, which are maintained by training in propriety. The practice shows the child generally having his way as a result of fits of bad manners and because he is a thing that cannot be reasoned with. Thus we see in this political conception of the people as a child one of the basic reasons why China is fundamentally a democracy. By transferring the idea from the family to the state we see, by contrasting the theories with the actual practice of both institutions, the contrasts between theory and practice in the Chinese Imperial government. This paradox is true to life. It pictures for us the Chinese government as paternal and even autocratic in theory and form but democratic in its actual practice.

Chapter XI

CHINESE DESPOTISM

"He who restrains his Prince loves his Prince." [1]

In another chapter we have expressed the conception which seemed to hold the people in their political relationship with the governing group in these words, "the duty to be led." With that duty goes also the right to be governed. Such a theory considered as a right would form the legal and political basis of Chinese despotism.

All oriental government has been popularly understood to be despotic. It is, in fact and in practice, often that, and wherever personal government is not tempered by benevolence it will always be despotic. On first judgment, despotic government is thought to be oppressive. Whether it is or not depends upon the theories and the institutions through which it works. The Chinese rulers were subject to restrictions almost as binding as a written constitution. It was a restriction of custom, to be sure, but what law is more unbending? I think we may say that in ancient Chinese theory there was no idea which would allow the ruler to dispose, at will, of the lives and the property of his subjects. This shows a slight advance which in very early times came as a result of the transition of the position of father in the patriarchal system to the position of ruler in the family state. For the father's position in primitive life must have been absolute. By the time of Confucius the ruler was far from an autocrat. Caprice of the ruler was controlled by a religious ceremonial observance of what the ruler might do and how he must act to remain a ruler. Even if the theory of the Son of Heaven is carried to the extreme where he becomes the Master of the Universe, he cannot, without sin, both political and personal, act outside a definite round of etiquette and propriety. In a later day this developed to such an extent that the emperor could not use his own caprice in his choice of food or the use of a fan.

As we have shown elsewhere, the scheme of Mencius was

[1] "Mencius," Bk. I, Pt. II, Ch. 4.

that the ruler was subject to Heaven and the people determined what Heaven might do. Thus the basis of the authority is religious, in that Heaven rules; but it is also democratic, in that the people are the judges of when the ruler is in harmony with Heaven. Mencius says that Heaven gave the empire to Shun and the people accepted him.[2] The emperor is accountable to the people and if they are called upon to suffer he must atone by prayer and sacrifice and repentance as a disobedient son. Chin speaks thus in the "Shu King":[3]

"The crimes of the people are all chargeable to me. . . . How much more, when the report of them goes up so manifestly to Heaven!"

Woo speaks in the same strain:[4]

"I, who am a little child, am filled with fears. . . . I have offered sacrifices to Shangti, also to the earth; and now I lead you to execute Heaven's penalty on the tyrant Chow. . . . If I subdue him, it will not be my prowess, but the virtue of my dead father. If he subdue me, it will not be my father's fault, but because I, who am a child, am not good."

T'ang in the "Shu King" carries on in much the same strain:

"It is given me, the one man to give tranquillity to your states and families; and now I know not whether I may not offend the powers above and beneath me. For the evil in me I will not dare to forgive myself. I will examine all things in harmony with the mind of God."[5]

"Let not the Emperor set example of indolence or dissoluteness to the rulers of states; but be wary, remembering that in one day may occur ten thousand causes of things."[6]

"Laws, rites, rewards, and punishments, all come from Heaven. Its will is to reward the good and punish the guilty; and, when it punishes, neither great nor small escape it."[7]

Bound by such strong religious bonds and with the fundamental idea that Heaven punishes and the people decide, then despotism in the ordinary sense of the word is impossible, unless it is backed with force sufficient all the time to sustain its will. Confucian morality and ethics have their basis in

[2] "Mencius," Bk. V, Pt. I, Ch. 5.
[3] "Shu King," "The Announcement of the Prince of K'ang," p. 396.
[4] Ibid., "The Great Declaration," pp. 281–297.
[5] Ibid., "The Announcement of T'ang," p. 188.
[6] Ibid., "The Counsels of Kaou Yaou," p. 72.
[7] Ibid., "Doctrine of the Mean," Ch. 29.

religious responsibility, and the judgment of what is politically right and wrong is obtained by deciding what is good for the people: what the people decide is Heaven's will. Despotism under such a theory has definite and lasting bounds.

As a result of this theory the censor became a very important institution in the later Chinese government and theory, for the office is very old, as is shown from this quotation from the "Shu King":

"When I am doing wrong it is yours to correct me: do not approve me to my face, and when you have withdrawn take up a different tone." [8]

Closely connected with the censorship is the office of the historiographer.[9] This office, too, has its restraining influence upon the ruler. While the office of historiographer as an institution is undoubtedly later than the Chou period it was probably as old in some form as 100 B. C., and functioned as a result of Chinese theory suggested above. The Chinese have never considered any human beings as being outside the influence of the laws of human nature. Therefore, if there is a knowledge on the part of the present ruler that his actions are being recorded for the use of the future, the ruler is naturally restrained. It is very practical. The theory is that the present is always important to the future, and Chinese history has always been written in the present, and what is written is a closed book to the present generation, for the record is only available on the fall of a dynasty or a change in government. Have we not, here, one key to Chinese stability, and a key, too, which is as strong morally, and in its effect, therefore, politically, as the land tenure scheme is economically? If there was ever a

[8] "Shu King," "Yih and Tseih," p. 81.

[9] P. Mailla, "Histoire Générale," in his preface, gives the following story illustrating the ideals of the historiographers: "In the reign of the Emperor Ling Wang of the Chou dynasty, B. C. 548, Chang Kong, Prince of Tsi, became enamored of the wife of Tsouichow, a general, who resented the affront and killed the prince. The historians attached to the household of the prince recorded the facts, and named Tsouichow as the murderer. On learning this the general caused the principal historian to be arrested and slain and appointed another in his place. But as soon as the new historian entered upon his office he recorded the exact facts of the whole occurrence, including the death of his predecessor and the cause of his death. Tsouichow was so much enraged at this that he ordered all the members of the Tribunal of History to be executed. But at once the whole literary class in the principality of Tsi set to work exposing and denouncing the conduct of Tsouichow, who soon perceived that his wiser plan would be to reconstitute the Tribunal and allow it to follow its own devices."

The Chinese word for history (Shih) is expressed in writing by an ideograph meaning "Impartiality."

despot in China it was the classical system of propriety inaugurated by Confucius, for truly this has been the real ruler of China.

China has long followed the scheme, on the advice of Confucius and Mencius, of having rulers follow the expert advice of scholarly advisers. This has made for tempering despotism and autocracy. Mencius says:

"Superior men of old time, if received with the utmost respect and polite observance, so that they could say to themselves that the prince would carry their words into practice, would take office with him. Afterwards, though the polite demeanor might not cease, yet if their words were not carried into practice they would leave him." [10]

The prince who does not listen to his ministers is "a robber and an enemy." [11]

"Paou-hang said, 'If I cannot make my sovereign like Yao and Shun, I shall feel ashamed as if I were beaten in the market place." [12]

The "Shu King" abounds with ministerial counsels to monarchs, and also notes that the monarchs recognize the advice of the ministers.

The prince who was schooled in the theory of Confucius and Mencius would be so fettered about with rules of propriety and good behavior that the appearance of despotism would seem so dangerous that it would take a brave man, indeed, who could act upon caprice or with willfulness. "Good instructions are better than good government;" thus the prince must be a teacher of virtue; the business of the ruler is "to sympathize with the people"; the peace of the empire depends on every one, including the emperor, doing his duty. Confucius taught that "to govern means to rectify"; [13] that the chief duties of the ruler are to discharge his filial and brotherly duties; that he who cannot govern himself is not fit to govern others; that love should be the attribute which should attract followers.[14]

All Chinese theory, as expressed in their classical litera-

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[10] "Mencius," Bk. IV, Pt. II, Ch. 14, and Bk. II, Pt. II, Ch. 12.

[11] Plato's Laws, X. "You are created for the sake of the whole, not the whole for the sake of you. Take good heed of the powers of justice, for a day will come when they will take heed of you."

[12] "Shu King," "The Charge to Yue," p. 262.

[13] "Analects," Ch. 13.

[14] Ibid., Bk. XII, "Doctrine of the Mean," Ch. 29.

ture, is expressive of the idea that the virtuous ruler is the nation's salvation and the selfish one its ruin; and that Heaven's laws of retribution strike the high as well as the low. Such convictions must result in a lessening of despotism.

It must constantly be remembered that in China the prince's responsibility to the people is real. It was grounded in the practice and traditions of the country from very earliest times. The prince is not a master of slaves or subjects. He is a father and an elder brother who retains respect in his position by his good behavior. The "Shu King" [15] teaches that the end of government is the good of the people and it was for this purpose that it (government) was instituted. Mencius says: "The people are the most important element in the nation, the spirits of the land and the grain next; and the Emperor the least." [16] The royal functions are to divide and redeem the land; to organize its distribution for the common good; to fix times for all occupations, and to provide all persons with sustenance and relief, with work and education; to care for the poor, the old, and the education of the children.[17] Those were the prince's duties. They may be called paternal, but they are not despotic.

Despotic government will thrive in spite of the restraints in theory, as noted above, wherever the hereditary principle becomes ingrained and practiced for a long time, and the history of China will show no exception to this rule. The principle of blood aristocracy became well established in the feudal days of the Chou period, but we learn from the "Ch'un Ts'iu" and Tso's "Commentary" [18] that there were oaths taken against this type of government, and we see from the following from Mencius that it was not according to Heaven's plan:

"The Emperor can present a man to Heaven, but he cannot make Heaven give that man the Empire. Yao presented Shun to Heaven, and the people accepted him; Heaven does not speak. It simply indicated its will by his personal conduct and his conduct of affairs." [19]

The right to rule does not rest on birth. Yu calls on his best men to consult on the succession. All through the "Shu

[15] "Shu King," "The Charge of Yue," p. 254.
[16] "Mencius," Bk. VII, Pt. II, Ch. 14.
[17] Ibid., Bk. I, Pt. I, Ch. 7.
[18] Tso's "Commentary," pp. 291, 317.
[19] "Mencius," Bk. V, Pt. I, Ch. 5.

King," too, popular voice is the sign of divine approval. That the ruler must recognize this is the burden of its instruction.

"Heaven hears and sees as the people hear and see. Heaven shows approval or its wrath, as the people theirs; such connection is there between the upper and the lower worlds. How reverent ought the masters of earth to be!" [20]

Confucius in the "Great Learning" says:

"In the Book of Poetry, it is said 'Before the sovereign of the Yin dynasty had lost the hearts of the people, they could appear before God. Take warning from the house of Yin. The great decree is not easily preserved.' This shows that, by gaining the people, the Kingdom is gained, and, by losing the people, the Kingdom is lost.

"On this account, the ruler will first take pains about his own virtue. Possessing virtue will give him the people. Possessing the people will give him the territory. Possessing the territory will give him its wealth. Possessing the wealth, he will have resources for expenditure.

"Virtue is the root; wealth is the result.

"If he make the root his secondary object, and the result his primary, he will only wrangle with his people, and teach them rapine." [21]

In the third paragraph of the same chapter, Confucius says: "When a prince loves what the people love, and hates what the people hate, then he is what is called the parent of the people."

An old proverb quoted in the "Shi King" says: "Do not be ashamed to ask counsel from those who carry grass on their shoulders and gather firewood." [22]

We might be justified in concluding that these strong protestations against arbitrary and despotic governments are mere proofs of their existence, and, so far as the Chinese governmental organization is concerned, one would be justified in the conclusion, for the protest is not against the form of government; in fact, that is approved. But with personal government thus approved, the above-mentioned theory becomes all the more important. When we remember that these teachings were accepted by both the ruler and the ruled, that they constituted the fundamental education of

[20] "Shu King," "The Counsels of Kaou Yaou," p. 74.
[21] "Great Learning," Ch. 10.
[22] "Shi King," III, Bk. II, 10.

both, we must see that the Chinese recognized, both practically and theoretically, that the wishes of the people gave the sanction to the rulers. No republican theory covering the responsibility of the ruler to the people could be expressed more strongly. Thus Chinese despotism, so far as the theory of the thinkers under consideration is concerned, must be the despotism of the tyrant, who in time is overcome, and not the despotism of a God-King, whose rule cannot be questioned. It must be the despotism of one who recognized the respective rights of the ruler and the subjects, not of one who ruled solely by divine right. It could not even be the despotism which can be sustained by right of blood or birth. To be lasting it must be the despotism of the good, the wise, and the virtuous.

We may with profit point to the models in rulers. Merit is the great consideration. Birth, blood, and divine will theories, excepting when accepted by the people, are lacking. Yao chooses Shun for his successor, a poor man who had been a common farmer, a potter, and a fisherman, who was the son of a blind and bad father, and a brother of a rebel. "Yu lived in a mean house, and spent his strength on the water channels." [23] "Yao and Shun," says Mencius, "were just the same as other men. All men can become Yaos and Shuns." [24]

The Chinese did not have the ballot. The despotic ruler was curbed under the Confucian scheme by the rules of propriety. The prince must observe these rules and respect them just as the people should. Confucius shows that teachers should be respected and he himself refused to visit a prince who had been negligent in propriety. Mencius and Confucius both taught that officials should obey only those orders that are right; that, even in danger of losing his head, the official is told that his duty is to the right not to the person of the ruler.

"The true scholar will sacrifice his life to preserve his virtue complete." [25]

"The man who, in the view of gain, thinks of righteousness, who in view of danger is prepared to give up his life, and who does not forget a promise, however long past, such a man may be reckoned a complete man (that is, fit for a minister)." [26]

[23] "Analects," Ch. 8.
[24] "Mencius," Bk. IV, Pt. II, Ch. 32.
[25] "Analects," XV, 8.
[26] Ibid., XIV, 13.

"Once rectify the prince, and the Kingdom will be settled. Only great men can do this." [27]

The "Shu King" shows very clearly what happens to the wicked ruler, just to what extent he may depend upon Heaven to save him and the sure answer of Heaven as a judgment of the people.

"Tsoo E proclaimed to the tyrant Chow-sin (12th cent. B. C.) that his dissoluteness was bringing the line of Yin to destruction. 'On this account there is a famine in the land and general disorder.' The people cry, 'Why does not some one appear with its great decree? What has this King to do with us?' The King said, 'Is not my life secured by decree of Heaven?' Tsoo E returned and said, 'Your many crimes are registered above. Can you speak of your fate as if you had given it in charge of Heaven? The end of Yin is at hand.'" [28]

Mencius denounced the oppression of the rulers of his own day and maintained clearly that it was the people's right to remove them because of their unworthiness. Thus Mencius, a follower of Confucius, who teaches orderly processes, nevertheless recognizes the right of revolution.

"Never was there a time farther than the present from the appearance of a true ruler; never a time when the sufferings of the people from oppressive government were more intense than now.

"King Seu-en said to Mencius, 'May a minister put his sovereign to death?' Mencius said, 'He who outrages righteousness and love is a ruffian. I have heard of the cutting off of a fellow Chow, but I have not heard of putting a sovereign to death, in his case.'" [29]

"A sovereign who oppresses his people will be slain, and his kingdom will perish." [30]

"When a prince endangers the altars of the spirits of the land and grain, he is changed and another is appointed in his place." [31]

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[27] "Mencius," Bk. IV, Pt. I, Ch. 20.

[28] "Shu King," "The Conquest of Le," pp. 268–272.

[29] "Mencius," Bk. I, Pt. II, Ch. 8.

[30] "Mencius," Bk. IV, Pt. I, Ch. 2.

[31] "Mencius," Bk. VII, Pt. II, Ch. 14.

While it is later than the period we are considering, it is of interest to know that Wan ti, second century B. C., issued an edict, abrogating a law against freedom of speech, in which he says, "There exists a law severely punishing those who criticise the ruler. The effect is that the people and ministers dare not express their honest

In Chapter VIII have discussed the right of rebellion. This right the Chinese have always demanded and it marks the Chinese system just the opposite to a system based on the divine right of kings. With the right of rebellion recognized, there has stood in the Chinese theory a check to arbitrary power. The ultimate source of rights and the final appeal against wrongs were the whole people. "Stand in awe of the people," is the counsel of the "Shu King." [32]

The right of rebellion is so strongly ingrained in the teachings of the early Chinese thinkers that Chinese institutions have only been preserved from the democratic and republican forms by the stressing of the sentiments expressed in the parental virtues—benevolent rule, on the part of the prince, coupled with the right, on the part of the people, not only to be led, but also to be set a proper example. The dual relationship of father and child has thus been maintained.

Lao Tzu points out that the prince is careful to assume a title that sounds humble before the people.

"That which the people find odious, to be orphaned, lonely, and unworthy, Kings and princes select as their titles. Thus,

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thought about us, and that we are thus prevented from being informed of our faults and our errors. How will superior men from foreign countries come to enlighten us with their counsels? I abrogate that law" (Johnson, "Oriental Religions," p. 293).

The power to abrogate such a law must in itself be recognized as a despotic one. All personal government is despotic in form. The people's rights rest on benevolence and the law of custom.

Professor John W. Burgess in his book, "Recent Changes in American Constitutional Theory" (1923), p. 105, expresses this point in these words: "Unlimited government may indulge the individual from time to time, in one place and another, in a large liberty of thought, expression and action, but this is all based on the benevolence of government and is not an independent constitutional right of the individual against government, granted or organized by the sovereign and guaranteed and secured by the sovereign against governmental usurpations and encroachments. It may be, at any moment, anywhere, withdrawn by government, on its own motion, and the individual left without defense or recourse. In such a system of liberty by governmental benevolence the individual is a subject pure and simple, not a citizen under constitutional protection, and not a member of the sovereign body which gives government its authority and imposes upon it limitations."

I do not wish to be misunderstood in this discussion of Chinese despotism. The Chinese form of government was despotic and autocratic. There were no legal checks or guarantees. But it is not so much the form of government that counts as the attitude of the governors. Any government, even a constitutional one, with a legally organized authority to support it and to guarantee individual rights in it, may become autocratic and despotic, if the ruling persons cease to restrain themselves and act without the rules of legal propriety. The autocrat who overrides his legal restrictions is apt to be even more brutal and vulgar than the despot who may rule without written law.

[32] "Shu King," "The Announcement of the Duke of Shaou," p. 428.

on the one hand, loss implies gain, and on the other hand, gain implies loss." [33]

The despot must not appear despotic. But Lao Tzu goes further; the prince who attempts to deceive his despotic nature by diplomacy is condemned. The sure way to keep the kingdom is to be nonassertive; "with nonassertion there is nothing that he cannot achieve. . . . He who uses diplomacy is not fit to take the empire." [34]

Despotism cannot thrive when the people are taught that "when the palace is very splendid, the fields are very weedy and the granaries are very empty." [35]

Tyrants are not worthy of their power. Mencius tells of the tyrant Chieh who tried to enjoy his kingdom alone, but the people wished for his death, which Mencius justified.

Royal government is supported by Mencius, but the principles of mutuality between ruler and ruled must be faithfully carried out.

Royal government is assumed to be proper in form. That there should be an emperor, or a king, or a prince seems to be unquestioned, probably because, since the days of Yao, there always was one; but the government, to receive the support of Mencius, while it may be despotic in form, while it may be absolute in character, must always be benevolent, sympathetic, and prosperity-producing. The ruler has no right to deprive the people of happiness nor of proper means of gaining a livelihood, therefore, it can never be despotic in spirit and receive his sanction.

"When the Emperor visited the princes, it was called a tour of inspection, that is, he surveyed the states under their care. When the princes attended at the court of the Emperor, it was called a report of office, that is, they reported their administration of their offices. Thus neither of the proceedings was without a purpose. And moreover, in the spring they examined the ploughing, and supplied any deficiency of seed; in the autumn they examined the reaping, and supplied any deficiency of yield. There is the saying of the Hea dynasty—If our king do not make his ramble, what will become of our happiness? If our king do not make his excursion, what will

[33] Carus' "Lao Tzu," "Canon of Reason and Virtue," Ch. 42.
[34] Ibid., Ch. 48.
[35] Ibid., Ch. 53.

become of our help? That ramble and that excursion were a pattern to the princes.

"'Now, the state of things is different. A host marches in attendance on the ruler, and stores of provisions are consumed. The hungry are deprived of their food. . . . Thus the imperial ordinances are violated, and the people are oppressed, and the supplies of food and drink flow away like water. The rulers yield themselves to the current. . . . Delighting in wine without satiety is what I call being lost.

"'It is for you, my prince, to pursue your course.'

"The Duke King was pleased. He issued a proclamation throughout his state, and went out and occupied a shed in the borders. From that time he began to open his granaries to supply the wants of the people, and calling the Grand Music Master, he said, 'Make for me music to suit a prince and his minister pleased with each other.' And it was then that the Che-Shaou and Keo-Shaou were made, in the poetry to which it was said, 'What fault is it to restrain one's prince?' He who restrains his prince loves his prince." [36]

The prince was reminded by Mencius that his love of wealth and his love of beauty are merely human characteristics, and that if he is to be allowed to satisfy those loves he must see that the people may also. It is only when the people have a spirit to enjoy their wealth and plenty that the king is justified in doing so. "If your majesty loves wealth give your people the power to gratify the same feeling." [37]

"The minister who does not try to correct those vices in the sovereign shall be punished by branding." [38]

When the people are in accord there is merit. They must be ruled in harmony with their feelings and the true laws of their nature. The Chinese compare the people to the water of a stream; when it is overflowing and spreading abroad, it is acting contrary to its nature. But if it is dammed the evil is made worse, since that is contrary to nature. Lead it into the proper course and you accomplish the purpose.

"Let not a ruler take it upon himself to put a great officer to death." [39]

Tso in his "Commentary" on the Ch'un Ts'iu condemns

[36] "Mencius," Bk. I, Pt. II, Ch. 4.
[37] Ibid., Bk. I, Pt. II, Ch. 5.
[38] "Shu King," "The Instruction of E," p. 197.
[39] "Mencius," Bk. VII, Pt. II, Ch. 7.

autocratic government and shows that the autocrat was finally killed.

"Ning He of Wei assumed to himself the whole administration of the government, and the Duke was vexed about it. . . . In summer, Meen-yu again attacked the Ning, when he killed Ning He and Kuh . . . and exposed their bodies in the court." [40]

Tso also gives us this very vivid picture of a despotic government and the results. The condemnation to the many punishments and the disorder resulting from the fact that there were so many people with toes cut off as a result of the punishments that shoes for such persons were high in price because of the great demand.[41]

In the "Shu King," [42] we have the story of King T'ae Kea who was put into confinement, because of his unworthy rule by E Yin, one of his ministers, and turning to Mencius we note that this action had his approval and he pointed out the fact that this was not real usurpation. Mencius reasons that the final power is in the people.

In the "Charge to Yue" there is an incident of the emperor seeking an expert to manage the rule because he himself feels his own inability.

"He charged him saying, 'Morning and evening present

[40] Tso's "Commentary," p. 535.

[41] "When the marriage was settled, Gan-tsze received the courtesy (of an entertainment), from which Shuh-heang followed him to the feast. When they conversed together, Shuh-heang asked about the state of affairs in Ts'e, and Gan-tsze replied, 'This is its last age. I know nothing but this,—that Ts'e will become the possession of the Ch'in family. The duke is throwing away his people, and they are turning to the Ch'in. Ts'e from of old has had four measures, the tow, the gow, the foo, and the chung. Four shing make a tow, and up to the foo, each measure is four times the preceding; and then ten foo make a chung. The Ch'in family makes each of the (first) three measures once again greater, so that the chung is (very) large, lending according to their own measure, and receiving back again according to the public measure. The wood on their hills and that in the markets is charged the same price, so that it costs no more in the market than on the hill. Their fish, salt, and frogs cost the same (in the market as at the water). The produce of the people's strength is divided into three parts, two of which are paid to the State, while only one is (left to them) for food and clothes. The (grain in the) ducal stores rots and is eaten by insects, while the three (classes of the) people are cold and starving. In all the markets of the State, (ordinary) shoes are cheap, while those for criminals whose toes have been cut off are dear. The common people and others groan bitterly (for all this), and there is one who shows an ardent sympathy for them. He loves them as a parent, and they go to him as a flowing stream. Though he wished not to win them to himself, how shall he escape doing so? There were Ke-pih, Chih-ping, Yu-suy, and Pih-he, whose help was given to duke Hoo and T'ae-ke, and (now, in their spiritual influence,) they are (all) in Ts'e'" (Tso's "Commentary," Bk. X, p. 589).

[42] Ibid., "T'ae Kea," pp. 199–203.

your instructions to aid my virtue. Suppose me a weapon of steel. I will use you for a whetstone. Suppose me crossing a great stream; I will use you for a boat with its oars. Suppose me in a year of great drought; I will use you as a copious rain. Open your mind and enrich my mind.'" [43]

"Let not the king go to excess in employing the people beyond the regular periods when he may call them out to public service." [44] Mencius, in explaining this, would give not only the virtuous and righteous reason, but also the reason that such demands take them away from their own occupations. To Mencius the basis of a happy state was a people satisfied and successful in their own work. The economic welfare of the state was a first consideration.

Thus we have seen that, while Chinese government in form lends itself to despotism, it is so surrounded by theories of virtue and good actions that in practice despotism is not only checked but to a great extent actually done away with. The teachings of the philosophers with their restraining influences and the almost universal acceptance of propriety as a basis of action have led to a condition where the ruler is constantly reminded of what is right, what is proper, what ought to be done, and how one should act. It may, therefore, truthfully be said that the restraining influences upon the ruler, whose office granted him the position of a despot, were stronger than the constitutional rights of his position. The weakness of such a system was that the rights of the individual rested upon the benevolence and virtue of the ruler and not upon law. Individual rights, in fact, did not exist, as such. The force of the influences tempering the despot was individual man's only protection against caprice. That individual man found protection from whims and caprices of quick-acting autocrats is a compliment to Chinese social philosophy and not to her skill in creating forms of government. China's trust in government rested upon the goodness of man rather than upon the justice of law.

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[43] Tso's Commentary," "The Charge to Yue," p. 252.

[44] Ibid., "The Announcement of the Duke of Shaou," Legge's "Notes," p. 431.

Chapter XII

MINISTERIAL THEORIES

"Calamities sent by Heaven may be avoided, but from calamities brought on by one's self there can be no escape." [1]

If, as we have seen, the state is a great family, the emperor the father and the people the child, the position of the minister must be one of mutuality between prince and people. His duties are to both. He is in a sense a mediator; but his mediations are mutual, for he is as much a harmonizer of the emperor to the people as he is of the people to the emperor. There is no constitutional appeal, but the rights of each are recognized. If peace is to remain, the minister must be always on the alert, for the prince commands by personal edict and the people make resistance or compel justice solely by resort to rebellion. The representative theory is lacking. The ministerial practice, backed as it is by an almost religious sentiment, is that the people by right are entitled to virtuous rulers. Therefore, from the standpoint of the ruler, the minister is his check and the people's protector, and, from the standpoint of the people, who in theory are a mass, "a child," it is only through the minister that the individual is cared for in government. The minister, therefore, is important. He is in a sense the government.

We know, from the practice of the Chinese almost to the present time, that the ideal was for each man to be a worker, and as the primitive state was an agricultural one, the emperor, like other men, should plow the land. The emperor respected this custom annually. Through the ages reformers called the rulers back to the simplicity of the early times. Mencius, apparently recognizing a development in society, defended a division of labor and justified thereby the office of minister.

"Great men have their proper business, and little men have theirs. If every man must make his tools before he uses them, the whole Empire would be kept running about on the roads. Hence the saying, 'Some labor with their minds, and

[1] "Shu King," "The T'ae Kea," p. 207.

some with their bodily strength. They who labor with their minds direct others: they who labor only with their strength are directed by others.'" [2]

Hereditary rank is contrary to the early Chinese social theory; caste was not recognized; the minister, therefore, held his position by merit, and he obtained his position as a result of examination.

The successful governor is the one who is trained for his position. It is bad for the state for him to learn to rule by ruling. Before he may actually rule he must have proved his knowledge of the rules of proper government. Chinese theory is democratic, but her government insists upon a trained ruling class. Man, to rise to the highest position in the state, need not be of high blood, caste, or family, but he must be skillful in the art of government.[3] There is no idea of equality among men. Chinese democracy did not mean that. "Men's minds are different just as their faces are." [4]

The minister like the prince is the shepherd of his people. Therefore, he must present himself before the people as a man of virtue. The theory that as the minister acts so will the people respond is consistent with the teachings of Confucius and Mencius. Propriety is the key to the minister's success, but Lao Tzu is against this and his advice to ministers is to do away with it.

"Abandon your saintliness, put away your prudence; and the people will gain a hundred fold!

"Abandon your benevolence; put away your justice; the people will return to filial piety and paternal devotion. Abandon smartness; give up greed; and thieves and robbers will no longer exist." [5]

In the "Ch'un Ts'iu," we read:

"On Sine-we Ki-san Hang-foo died." [6]

Tso's comment on this is:

"When Ki-san Tzu died the great officers went to his coffining and the marquis was present in his proper place. The steward had arranged the furniture of the house in preparation for the burial. There was not a concubine who wore silk nor a horse which ate grain. There were no stores of money and

[2] "Mencius," Bk. III, Pt. I, Ch. 4.
[3] "Ch'un Ts'iu," p. 566.
[4] Ibid., Tso's "Commentary," p. 666.
[5] Carus' "Lao Tzu," "Canon of Reason and Virtue," Ch. 19.
[6] "Ch'un Ts'iu," p. 426.

gems, no valuable articles accumulated. The superior man hereby knows that Ke Wan Tsze was loyal to the ducal house. He acted as chief minister to three dukes, and yet he had accumulated nothing for himself; is he not to be pronounced loyal?"

Ministers are not above the law. "A minister of the state is only second to the ruler, and a lord of the people. He must not be allowed to act disorderly." [7]

That the minister must be a sincere and honest man who honors his birth and remembers his home seems to be the true test.

"The duke repeated this conversation to Fan Wan Tsze, who said, 'That prisoner of Ts'oo is a superior man. He told you of the office of his father, showing that he is not ashamed of his origin. He played an air of his country, showing that he has not forgotten his old associations. He spoke of his king when he was prince, showing his own freedom from mercenariness. He mentioned the two ministers by name, doing honour to your lordship. His not being ashamed of his origin shows the man's virtue; his not forgetting his old associations, his good faith; his freedom from mercenariness, his loyalty; and his honouring your lordship, his intelligence. With virtue to undertake the management of affairs, good faith to keep it, and loyalty to complete it, he is sure to be competent to the successful conduct of a great business. Why should not your lordship send him back to Ts'oo, and make him unite Tsin and Ts'oo in bonds of peace?' The marquis followed this counsel, treated Chung-e with great ceremony, and sent him back to Ts'oo to ask that there might be peace between it and Tsin." [8]

A minister must be faithful even unto death.

"A small man like myself can take the opportunity to die for you, but I cannot escort you in your flight." [9]

Duty demands fidelity even to suicide.

The faithful minister appeals to his ruler by committing suicide if he cannot move him in any other way. Tso relates an incident in point, thus:

"When Fan Wan Tsze returned from Yu-ling he made the priest of his ancestral temple pray that he might die, saying,

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[7] Tso's "Commentary," p. 496.
[8] Ibid., p. 371.
[9] Ibid., p. 689.

'Our ruler is haughty and extravagant, and, by this victory over his enemies, Heaven is increasing his disease. Troubles will soon arise. Let him that loves me curse me so that I may soon die, and not see those troubles, that will be my happiness.' In the 6th month Wan Tsze died. Tso says that he committed suicide, but I do not know on what authority." [10]

That the ruler must act so that the people may not misjudge his motives is plainly seen in Mencius' conversation with King Hsuan over the substitution of a sheep for an ox in the offering of sacrifice at the time of dedication of a bell. The king said that he was sorry for the ox, and therefore substituted a sheep, and in this Mencius commended him, and told him that, in his sorrow for the ox, he showed the feelings which he should have for the people and their suffering. But the people thought that he suggested a sheep because it was smaller and because it was less of a loss to him. Mencius here again calls attention to a point of practical politics which reminds us of Machiavelli.

"Let not your majesty deem it strange that the people should think you were grudging the animal. When you changed a large one for a small, how should they know the true reason? If you felt pained by its being led without guilt to the place of death, what was there to choose between an ox and a sheep?" [11]

The way to keep a ruler virtuous is to have him surrounded by virtuous advisers.[12]

As instruction in practical politics and as advice to ministers we see that Lao Tzu has the following to say. This advice will apply to the ruler as well as to the minister.

"He who with reason (Tao) assists the master of mankind will not with arms strengthen the empire. His methods invite requital. Where armies are quartered briars and thorns grow. Great wars unfailingly are followed by famines. A good man acts resolutely and then stops. He ventures not to take by force." [13]

"Even victorious arms are unblest among tools, and people

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[10] Tso's "Commentary," p. 403.

[11] "Mencius," Bk. I, Pt. II, Ch. 7.

[12] Ibid., Bk. IV, Pt. II, Ch. 6.

When we realize that both Confucius and Mencius saw in themselves proper advisers for rulers, this point need not be stressed. Professor Hirth suggests that it is this class of thinker that is responsible for much of the "model emperor lore" which appears in the classics. "Ancient History of China," p. 33.

[13] Carus' "Lao Tzu," "Canon of Reason and Virtue," Ch. 30.

had better shun them. Therefore he who has reason does not rely on them.

"Arms are unblest among tools and not superior man's tools. Only when it is unavoidable he uses them. Peace and quietude he holdeth high.

"He conquers but rejoices not. Rejoicing at a conquest means to enjoy the slaughter of men. He who enjoys the slaughter of men will most assuredly not obtain his will in the empire." [14]

"One who knows is clever, but one who knows himself is enlightened. One who conquers others is powerful, but one who conquers himself is mighty." [15]

In giving advice to an envoy who is about to set out to visit a foreign prince Chuang Tzu puts these words into the mouth of Confucius:

"To serve one's parents without reference to the place, but only to the service, is the acme of filial piety. To serve one's prince without reference to the act, but only to the service is the perfection of a subject's loyalty. To serve one's own heart so as to permit neither joy nor sorrow within, but to cultivate resignation to the inevitable—this is the climax of virtue.

"Now a minister often finds himself in circumstances over which he has no control. But if he simply confines himself to his work, and is utterly oblivious to self, what leisure has he for loving life or hating death? And so you may safely go.

"But I have yet more to tell you. All intercourse, if personal, should be characterized by sincerity. If from a distance, it should be carried on in loyal terms. These terms will have to be transmitted by some one. Now the transmission of messages of good or ill-will is the hardest thing possible. Messages of good-will are sure to be overdone with fine phrases; messages of ill-will will be harsh ones. In each case the result is exaggeration, and a consequent failure to carry conviction, for which the envoy suffers. Therefore, it was said by Fayen, 'Confine yourself to simple statements of fact shorn of all superfluous expression of feeling, and your task will be small.'" [16]

"From these pages on we have almost complete instructions

[14] Carus' "Lao Tzu," "Canon of Reason and Virtue," Ch. 31.
[15] Ibid., Ch. 33.
[16] Giles' "Chuang Tzu," p. 46.

for an envoy in carrying on dealings with a foreign prince and minister." [17]

"He who respects the state as his own body is fit to support it, and he who loves the state as his own body, is fit to govern it." [18]

"He who is not absolutely oblivious of his own existence can never be a ruler of men." [19]

"'Be careful,' replied Lao Tzu, 'not to interfere with the natural goodness of the heart of man. Man's heart may be forced down or stirred up. In each case the issue is fatal. By gentleness the hardest heart may be softened." [20]

"There is no difficulty in winning the people. Love them and they will draw near. Profit them and they will come up. Praise them and they will vie with one another. But introduce something they dislike, and they will be gone." [21]

"No sovereign but would have loyal ministers; yet loyalty does not necessarily inspire confidence." [22]

"The difficulty of governing lies in the inability to practice self-effacement. Man does not govern as God does" (regardless of self).[23]

One of the purposes of Machiavelli's writing "The Prince" was to bring about a unity of Italy. This problem faced King Hsiang of Liang, who asked Mencius, "How can the Kingdom be settled?" It is interesting to contrast the spirit of the advice given in each case.

"I replied, 'It will be settled by being united under one sway.'"

To this extent Mencius and Machiavelli agree, but no further, for we read: "Who can so unite it?"

"I replied, 'All the people of the nation will unanimously give it to him.' (This is always Mencius' final and complete sanction for anything in governmental theory. Compare this with the Roman idea that what is pleasing to the prince is the law, but only that which is pleasing to the people will be pleasing to the prince.)

"Now among the shepherds of men throughout the nation,

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[17] Giles' "Chuang Tzu," p. 48.
[18] Ibid., p. 122.
[19] Ibid., p. 72.
[20] Ibid., p. 123.
[21] Ibid., p. 329.
[22] Ibid., p. 352.
[23] Ibid., p. 430.

there is not one who does not find pleasure in killing men.[24] If there were one who did not find pleasure in killing men, all people in the nation would look towards him with outstretched necks. Such being the case the people would flock to him, as waters flow downward with a rush, which no one can repress." [25]

In the "Shu King," "Officers of Chou" (p. 531), the king gives very lofty advice to the rulers, and in other parts of the "Shu King" we read that the minister is "the wind and the inferior people the grass" and emphasis is laid upon the fact that ministers must remember that all good comes from above and that the people will look to them for it. The "Shu King" stresses the need of the employment of good men as ministers and it shows that good example will reflect as well upward as downward.

"When their household officers are correct, their sovereign will consider himself a sage." [26]

The minister is held responsible for the advice he gives. If through bad judgment his state suffers he too must suffer.

"He who has given counsel about the country or its capital should perish when it comes into peril." [27]

Lao Tzu places service upon a very high plane. The minister who serves ideally must be entirely forgetful of self and think only of his trust. The minister endures and his influence is lasting when he loses himself in his desires to give complete and full service.

"Heaven endures and earth is lasting. And why can heaven and earth endure and be lasting? Because they do not live for themselves. On that account can they endure. Therefore the holy man puts his person behind and his person comes to the front. He surrenders his person and his person is preserved. Is it not because he seeks not his own? For that reason he can accomplish his own." [28]

Aristotle and Machiavelli both saw government as it was and discussed it. Lao Tzu also was a keen observer. When

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[24] This is not a general condemnation of government, but a condemnation of government as it was administered in Mencius' time. The words of Mencius here sound similar to the words of Chuang Tzu, but the theories of the two men are different. Mencius supports government, Chuang Tzu sees no good in it.

[25] "Mencius," Bk. I, Pt. I, Ch. 6.

[26] "Shu King," "The Charge to Keung," p. 586.

[27] "Li Ki," "The Shan Kung," p. 145.

[28] Carus' "Lao Tzu," "Canon of Reason and Virtue," Ch. 7.

do we hear the most about loyalty and allegiance? When governments are threatened with destruction or decay is the answer. It is when civilization is slipping that we hear of the rules of right and wrong.

"When the great Reason is obliterated, we have benevolence and justice. Prudence and circumspection appear, and we have much hypocrisy.

"When family relations no longer harmonize, we have filial piety and paternal devotion, when the country and clans decay through disorder, we have loyalty and allegiance." [29]

"I practice nonassertion, and the people of themselves become righteous. I use no diplomacy, and the people of themselves become rich. Have no desire, and the people of themselves remain simple." [30]

"Whose government is unostentatious, his people will be prosperous. Whose government is prying, his people will be needy." [31]

"Therefore the holy man, when anxious to be above the people, must in his words keep underneath them. When anxious to lead the people, he must with his person keep behind them. Therefore the holy man dwells above, but the people are not burdened. He is ahead, but the people suffer no harm. Therefore the world rejoices in exalting him and does not tire. Because he strives not, no one in the world will strive with him." [32]

"Mencius replied, 'Is there any difference between killing a man with a stick and with a sword?' The king said, 'There is no difference.'

"'Is there any difference between doing it with a sword and with the style of government?' 'There is no difference,' was the reply.

"Mencius then said, 'In your kitchen there is fat meat; in your stables there are fat horses. But your people have the look of hunger, and on the wilds there are those who have died of famine. This is leading on beasts to devour men.

"Beasts devour one another, and men hate them for doing so. When a prince, being the parent of his people, administers his government so as to be chargeable with leading on beasts

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[29] Carus' Lao Tzu," "Canon of Reason and Virtue," Ch. 18.
[30] Ibid., Ch. 57.
[31] Ibid., Ch. 58.
[32] Ibid., Ch. 66.

to devour men, where is his parental relation to the people? What shall be thought of him who causes his people to die of hunger?" [33]

A ruler's prosperity depends upon his exercising restraint upon himself, and sympathizing with the people in their joys and sorrows.

"If people generally are not able to enjoy themselves, they condemn their superiors."

While it is wrong for the people to condemn, it is also wrong for the superiors to bring about conditions so that people do not enjoy themselves.

"When the ruler rejoices in the joy of the people they also rejoice in his joy; when he grieves at the sorrow of his people they also grieve at his sorrow." [34]

The minister must so take care of the people that they may be held for his sovereign, for we read,

"If the sovereign had not the multitude, there would be none to guard the country for him. Be reverent. Carefully demean yourself on the throne which you will occupy, respectfully cultivating the virtues which are to be desired in you. Heaven-conferred revenues will come to a perpetual end. It is the mouth which sends forth what is good, and gives rise to war. My words I will not repeat." [35]

Thus without the sovereign the people cannot have the guidance which is necessary to the comfort of their lives; without the people the sovereign could not have sway over the four seas. The prince will be respectful to his ministers for on them so much depends.

"O king, zealously cultivate your virtue. Regard the example of your meritorious ancestor. At no time allow yourself in pleasure and idleness. When honouring your ancestors, think how you can prove your filial piety; in receiving your ministers, think how you can show yourself respectful; in looking at what is distant, try to get clear views; have your ears ever open to listen to virtue:—then shall I respond to the excellence of your Majesty with an untiring devotion to your service!" [36]

Above all things the minister must not forget that "calami-

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[33] "Mencius," Bk. I, Pt. I, Ch. 4.
[34] Ibid., Bk. I, Pt. II, Ch. 4.
[35] "Shu King," "The Counsels of the Great Yu," pp. 62, 63.
[36] Ibid., "The Pae-Kea," p. 208.

ties sent by Heaven may be avoided, but from calamities brought on by one's self there is no escape." [37]

The classical example of the faithful minister is that of Tan,[38] the brother of Wu Wang (1120 B. C.), as related in the "Shu King" who, when Wu Wang fell ill, prayed to his ancestors that he might be taken and the King in return made whole. His prayer is recorded as follows:

"Your chief descendant is suffering from a severe and dangerous sickness;—if you three kings have in Heaven the charge of watching over him, Heaven's great son, let me, Tan, be a substitute for his person. I have been lovingly obedient to my father; I am possessed of many abilities and arts which fit me to serve spiritual beings. . . . And, moreover, he was appointed in the hall of God to extend his aid to the four quarters of the Empire, so that he might establish your descendants in this lower world." [39]

As government is always personal in Chinese political thought the way of the minister must be the virtuous way of the ruler. He must reflect the wisdom and benevolence of his master and thus be worthy of the honor which his office demands. He must see to it that the welfare of the people is preserved, for it is through him that the ruler's reign is maintained. While the theory of representation is lacking, he is, in a sense, nevertheless, both a representative of the ruler and of the ruled. As a matter of fact he is the ruler. As a matter of theory he is the medium of government which connects the two great divisions which the persons in the state take in Chinese thought, the emperor or the father, and the people or the child.

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[37] "The Pae-Kea," p. 207.

[38] Chou-Kung, or the great Duke of Chou, credited with being the author of the "Chou Li."

[39] "Shu King," "The Metal-bound Coffer," p. 353.

Chapter XIII

CHINESE DEMOCRACY

"It was the lesson of our great ancestor:—
The people should be cherished;
They should not be downtrodden;
The people are the root of the country;
The root firm, the country is tranquil.
When I look throughout the empire
Of simple men and simple women,
Any one may surpass me." [1]

It was with a purpose that I headed this chapter "Chinese Democracy" instead of merely "Democracy." Democracy in China is different, and contrasts will stand out when comparisons are made with democracies in other parts of the world. Then, too, I wished the heading to be general, so that I might be able to pass outside the Chou period and take my examples from the practice of later times as well as from the older theory. We have seen that the idea that the people were the supreme authority in the state was, in a sense, the corner stone of the political theory of the "Shu King" period and that the thinkers of the Chou dynasty made that thought classical, and, as a result, it has persisted through the ages. We have suggested that Chinese governmental practice has responded to the theory of the Chou period in such a way that, so far as the local units of Chinese life and government have been concerned, they have maintained themselves in a manner which makes it possible for us to say that Chinese social and political life had its basis in democracy. But that imperial practice has not always been consistent with the spirit of the "Shu King" democracy may be assumed, for there must have been inconsistencies between theories and between theory and practice in China as there were in Europe. It will be remembered that Ulpian (second century A. D.) said that the source of political authority was in the people but from Hadrian to Justinian (117–565) the emperor's will was held as law under the theory that that which was pleasing to the emperor was the law. In the fourteenth century Barto-

[1] "Shu King," "The Songs of the Five Sons," p. 158.

lus (1314–1357) maintained that the Roman emperor was "Deus in terris" and to dispute him was a sacrilege, but still Christianity persisted and the theories of the natural equality of men were accepted by the Church Fathers, and Cicero was still read. For nearly 2000 years the theory of the natural equality of man and the practice of human slavery went hand in hand. It was during the decentralized feudal period in Europe that the Dominus Omnium was almost universally accepted. China, in her Chou period, recognized the theory of the supreme and universal emperor, but her feudal states were practically independent. Therefore the thoughtful reader will not question the statement that Chinese political and social life has its basis in democracy as being inconsistent in spite of the periods of what may be called absolute despotisms.

I have used the heading "Chinese Democracy" for another reason. Chinese democracy has its peculiar characteristics as has American democracy. I can make this point clear by citing illustrations of the two. The illustrations show the two democracies functioning. The methods of the two are brought out in interesting contrast. The American example is taken from President Coolidge's statement of January 26, 1924, in regard to the oil scandals and the Chinese example is taken from the *Literary Digest* of March 22, 1924, which journal quoted the *North China Herald* of Shanghai.

American Democracy Working

"If there has been any crime, it must be prosecuted. If there has been any property of the United States illegally transferred or leased, it must be recovered. I feel the public is entitled to know that in the conduct of such actions no one is shielded for any party, political or other reasons. As I understand, men are involved who belong to both political parties, and, having been advised by the department of Justice that it is in accord with former precedents, I propose to employ special counsel of high rank drawn from both political parties to bring such actions for the enforcement of the law. Counsel will be instructed to prosecute these cases in the courts so that if there is any guilt, it will be punished; if there is any civil liability, it will be enforced; if there is any fraud, it will be revealed; and if there are any contracts which are illegal, they will be canceled. Every law

will be enforced, and every right of the people and the Government will be protected."

Chinese Democracy Working

"Furthermore, certain notable occasions can be recalled in the recent past, when public opinion has proved itself too strong for the tyrants. Barely fourteen months ago the Chinese business classes absolutely rebelled against the announced increase of postal and telegraphic charges and Peking was forced to cancel them. Last summer the gentry and merchants of Kingsu and Chekiang coerced their respective Tuchuns into signing a peace agreement—not merely an assertion that neither would fight if not attacked, but a definite assurance of coöperation in defense of peace. And this, quite recently, has been reiterated, again under pressure of public opinion. Finally, we have the tobacco shops rebelling against the cigarette tax, with apparently good prospects of success. These assertions of public opinion are of the utmost importance. For every success emboldens the demonstrators to a new trial of strength and increases their chances of winning." [2]

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[2] During the time the writer was in Hongkong in 1912 he witnessed a successful boycott against the British government of that place. There were some rioting and some bloodshed at night, but in the main it was a peaceful demonstration. The Chinese people won their points in three or four days, and brought about a reversal of governmental orders. The British authorities, in an attempt to reform conditions in the currency used, issued an order that only British Hongkong coins should be accepted on the street cars. Immediately the Chinese placed a boycott on the use of all British money. Money-changers would not accept a gold pound piece, for example, and the person with only British money simply could not do business in the Chinese part of the city or with the Chinese anywhere. The British had to withdraw their order and the Chinese people, even within the British port, showed their power and ability to control their rulers.

Professor Giles gives many examples to illustrate his theory that the people ruled in China. The following is not out of place here:

"Under date of October 10, 1880, from Chung-King in the province of Ssuch'uan, the following story will be found in the *North China Herald* told by a correspondent:

"Yesterday the Pah-Shien magistrate issued a proclamation, saying that he was going to raise a tax of 200 cash on each pig killed by the pork-butchers of this city, and the butchers were to reimburse themselves by adding 2 cash per pound to the price of pork. The butchers, who had already refused to pay 100 cash per hog, under the late magistrate, were not likely to submit to the payment of 200 under this one, and so resolved not to kill pigs until the grievance was removed; and this morning a party of them went about the town and seized all the pork they saw exposed for sale. Then the whole of the butchers, over five hundred at least, shut themselves up in their guild, where the magistrate tried to force an entry with two hundred or three hundred runners. The butchers, however, refused to open the door, and the magistrate had to

Government by law has been emphasized to such an extent in the American democracy that the will of the people is a slow process. Law to a great extent means litigation. In long-drawn-out litigation, cases often turn, not on the merits of the particular case, but on the merits of the law. In other words, the practical effect of governing in the spirit of President Coolidge's statement means that men and actions and intent are not on trial, but the law of the land is. Thus morality is removed from government, and morality from the law. This type of government in American democracy is absolutely impersonal, but the people want it personal. The law, though, is still studying its case (six months after the President's pronouncement), not with the wrongdoers in mind, but with the law in mind.[3]

For this reason the public's general will does not work in America. The people's mind was long ago made up. Government responded only to the extent of starting an investigation. That much of the people's demands was met. Now, in contrast, the universal will or mind in China is a quick-working affair. The judgment depends on only one thing: Is an act right or is it wrong? The right is decided upon by the will of the people.

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retire very much excited, threatening to bring them to terms. People are inclined to think the magistrate acted wrongly in taking a large force with him, saying he ought to have gone alone."

Three days later, October 13:

"There is great excitement throughout the city, and I am told that the troops are under arms. I have heard several volleys of small arms being fired off, as if in platoon exercise. All the shops are shut, people being afraid that the authorities may deal severely with the butchers, and that bad characters will profit by the excitement to rob and plunder the shops."

Two days later, October 15:

"The pork-butchers are still holding out in their guildhouse, and refuse to recommence business until the officials have promised that the tax on pigs will not be enforced now or hereafter. The prefect has been going the rounds of the city calling on the good people of his prefecture to open their shops and transact business as usual saying that the tax on pigs did not concern other people, but only the butchers."

One day later, October 16:

"The Pah-Shien magistrate has issued a proclamation apologizing to the people generally, and the butchers particularly, for his share of the work in trying to increase the obnoxious tax on pigs. So the officials have all miserably failed in squeezing a cash out of the 'sovereign people' of Ssuch'uan."

[3] Associate Justice A. F. St. Sure, in welcoming Associate Justice B. K. Knight as a member of the First Appellate District Court of Appeal of California about Feb. 25, 1924, as reported in the *San Francisco Call*, said: "It may be you have some original ideas to present in the cases that will come before you. If you have such ideas, I strongly advise you to bury them, bearing always in mind that original cases, when they reach the highest court, are quite likely to be brutally murdered by a gang of precedents."

Their conscience is their guide and it never errs because whatever the general will demands is right.[4]

Since we have used Rousseau's term, we must appreciate the Chinese idea of a general will and not fail to realize the simplicity of the Chinese application of it. Rulers were adepts in virtue first and skilled in government or law second. Good government and good law follow in wake of virtue, it was thought. The people, therefore, in judging of a prince, passed judgment entirely on virtue: Was he good or was he bad? He could never be an official without being capable; the examination cared for that, and general will then does not function in election or choice but judges of the men already in power. Its judgment cuts swiftly like a two-edged sword. Chinese governmental form and Chinese theory of government seem out of harmony. The form is surely not democratic, nor is the practice when considered from above generally so, but the theory is, and in time of uncertainty it is the democratic will which is in control.

During the period of Imperial China the ancient ideals while remaining in theory were so much lost sight of that the emperor was in practice an autocrat responsible only to Heaven.

The yearly sacrifice and prayer of the emperor from the altar of Heaven was a report of stewardship and represented the emperor's fidelity to his Heavenly trust.

Signs from above signified the acceptance of Heaven of the faithful performance of the trust. Peace and plenty throughout the realm would be a sure sign that the emperor had ruled wisely and well and with the good of the people at heart. A double ear of corn found in the field may be considered another sign. Or the appearance of a comet, a famine, or pestilence would show the nonacceptance of the imperial rule and should be taken to heart by the emperor. The prime thought, nevertheless, was that the welfare of the people was the consideration which seemed to be the deciding thought of Heaven.

As the emperor was responsible to Heaven, just so were the viceroys and governors of the provinces responsible to the emperor. That was the imperial theory, but in practice the viceroys were responsible to the departments of government at Peking.

As the report to Heaven was but a yearly duty and as the

[4] "Shu King," "The Counsels of the Great Yu," p. 62; "Mencius," Bk. V, Pt. I, Ch. 5.

judgment of the acceptance or rejection of the report was rather indefinite, and the signs of acceptance found in the happiness of the people, just so was the restraint of the Peking government indefinite upon the viceroys. They were almost independent rulers; their tenure of office depended upon two things—the happiness of their people and the steady flow of revenue from the province to the government at Peking. The fact of the latter was proof of the former. Professor Giles gives us this picture: [5]

"For purposes of government, in the ordinary sense of the term, the eighteen provinces are subdivided into eighty areas known as 'Circuits,' and over each of these is set a high official, who is called an intendent of circuit, or in Chinese a 'Tao-t'ai.' His circuit consists of two or more prefectures, of which there are in all two hundred and eighty-two distributed among the eighty circuits, or about an average of three prefectures to each.

"Every prefecture is in turn subdivided into several magistracies, of which there are one thousand four hundred seventy-seven in all, distributed among the two hundred and eighty-two prefectures, or about an average of five magistracies to each.

"Immediately below the magistrates may be said to come the people, though naturally an official who rules over an area as big as an average English county can scarcely be brought into personal touch with all those under his jurisdiction. This difficulty is bridged over by the appointment of a number of headmen or headboroughs, who are held responsible for the peace and good order of the wards or boroughs over which they are set. The post is considered an honourable one, involving as it does a quasi-official status. It is also more or less lucrative, as it is necessary that all petitions to the magistrate, all conveyances of land and other legal instruments, should bear the seal of the headman, as a guarantee of good faith, a small fee being payable on each notarial act.

"On the other hand, the post is occasionally burdensome and trying in the extreme. For instance, if a headman fails to produce any criminal or accused persons, either belonging to or known to be, in his district, he is liable to be bambooed or otherwise severely punished.

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[5] Giles, H. A., "China and the Chinese," N. Y. (1902), p. 76.

"In ordinary life the headman is not distinguishable from the masses of his fellow countrymen. He may often be seen working like the rest and even walking about with bare legs and bare feet."

For the purpose of this study the above quotation from Professor Giles is sufficient to show the theory of Chinese government in its actual practice. We see that there was much of the theory of the ancient scheme, which made welfare of the people the first consideration. Then the responsible trusteeship of the lower officials to the official above who finally reported to Heaven and whose success was acclaimed as a result of the happiness of the people. Revenue satisfied the official above; a conduct of affairs so that people may work, live, and be at peace satisfied the people below. Who rules in such an arrangement? There is but one answer—the people. For under the Chinese scheme revenue will be forthcoming only from a happy people. It is this fact which made China an autocracy in form and democracy in practice.

There was a unity in governing and descending scale in officialdom, the emperor at the head, the people at the bottom. The real rulers of China were the "father and mother" officials; that is, the district magistrates who held both in theory and in fact a position as parents to the people and the people remained, as Lao Tzu called them, the "children." [6]

These magistrates were chosen as a result of successful examinations in literary subjects. These subjects form, for the most part, those from which we have selected our references for this study. The examinations were democratic and open to all excepting those people whose ancestors for three generations had been either actors, barbers, chiropodists, priests, executioners, or official servants. The applicants who qualified must have taken the third highest degree. Advancement came as a result of successful service.

The practice followed in the examination process, and the fact that the examinations were open to rich and poor,[7] resulted,

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[6] Giles does not translate Lao Tzu's term as the "children" as does Carus, whom I have followed elsewhere, but as the "babies." Both translations are correct and both of the translators are right in their points of view. The child in his actions may be a man to-day and a baby to-morrow.

[7] The examinations were always open to the poor as well as the rich. Chuang Tzu quotes Confucius as saying; "'Come hither,' said Confucius to Yen Hui. 'Your family is poor and your position lowly. Why not go into official life?'" (Giles' "Chuang Tzu," p. 379).

in the case of the latter, in a sort of gamble in brains on the part of wise and thrifty money lenders, or of families, or sometimes of villages. Schools were practically free in China and anyone who showed aptitude had no trouble in getting support. When once a bright boy was helped he was backed to the end, and when he achieved success his opportunity to repay his debts was present.[8] If the boy had the support of an individual money lender that individual might even follow him through his career and at each turn collect his dividends on his investment.

Many a high official has risen from the paddy field and the poor village. China seems never to have conceived the idea that ability belongs to a favored few, or to a given family or caste. Parentage and ancestral lines were greatly honored, but the idea of being able to breed superiors has apparently never been recognized.

Chinese success in governmental practice recognized, to be sure, the ability through examination, but seldom did examination result in immediate advancement to important posts. One's capacity had to be tested by serving as an assistant or a deputy. Such assistantships were not difficult to find, for it should be remembered that the tasks put upon a magistrate were many and so varied that, while he was expected to do them all, it was physically impossible. The magistrate was the government. He was everything from judge in the district trials for criminal cases to coroner in all inquests. He collected and remitted the land taxes; he registered all conveyances of land and house property; he acted as preliminary examiner of candidates for literary degrees and took care of many other things beside. He was in a sense actually responsible for the weather and he had to pray for rain in case of drought. His duties required his time both day and night. He not only passed judgment but had to see to the execution of the law, which meant personal attendance at bambooings and other petty inflictions of punishments and, of course, at all serious ones. Thus there was opportunity for deputy employment.

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[8] I have met many a Japanese or Chinese student who during his school days was maintained in America or in Europe by his family or village on just such a gamble. The custom of helping a "likely" chap through school in America before these days of large loan funds and scholarships was not unknown, although observers have not pointed out the gambling chance taken. Money lending, with a gambler's attitude to young men ambitious in politics, has been, on the other hand, observed and hinted at by American writers.

Even in this very brief sketch we should not fail to mention four important officers in each province who served in connection with the governor. These were the commissioners of finance and justice, and the salt and grain commissioners. The first acted as the province treasurer, and, in addition to his fiscal administration, he had, under the government control, the minor appointments in the civil service. The second had charge of the administration of justice in the province; the third represented the government in matters relating to the salt monopoly; and the fourth collected the grain tax and saw that the tribute rice was forwarded to Peking for the maintenance of the imperial court.

During the period of Manchu control in government, there was stationed in each province a Tartar general with a garrison. His duty was to keep a watchful eye on the Chinese officials. In addition to this there were the Provincial Military Commanders.

The magistrate was allowed a small salary, so small, in fact, that he probably did not bother about collecting it most of the time. It was from the general taxes that he and his staff were maintained. In addition to his maintenance he usually kept enough to allow him and his family to retire in comfort after a life of toil. No questions were asked about the amounts he kept out so long as his superiors were satisfied with what they received. This did not mean that there was a looseness in practice, for there was not. But, on the other hand, the amounts were quite definite, for each magistracy's value was known as a result of following the same practice so long and the taxpayers saw to it that the demands were kept consistent.

Above the magistrate, and in control of several magistracies, came the prefect, who satisfied his superiors in the same way. The prefect took care of appeal cases from magistrates under his jurisdiction before they were filed in a higher court.

Above him came the intendant of circuit, or the Tao-t'ai, who was in control of several prefectures and to whom the same rule applied for obtaining his own revenue and for satisfying his superiors. Then above the Tao-t'ai came the governor or viceroy who maintained himself and supported the central state departments of the imperial rule in just the same way. Thus there was but one tax channel and all govern-

ment from local unit to imperial throne was maintained from it. While the stream in the channel had several drains which reduced its size, its course was, nevertheless, constant and in the same direction.

Now the interesting thing about this custom of taxing was that in practice it did not work as the ordinary reader's first judgment would infer, that is, that the imperial household made its exaction as large as possible and that exaction was handed on down to the people who paid all that was demanded. Such a conclusion seems proper for us of the West to make when we describe autocratic government built on the pyramid form, with the autocrat at the apex. While the Chinese form of government appeared as a pyramid in both practice and theory, the fact remained that, due to the universal civil service, to the fact of no caste, to individual land ownership, and to the economic independence in the control of wealth and property of the average family, the Chinese government worked upward from the people rather than downward from the emperor. In practice the people themselves decided on the amount of tax, and it was here that the wise ancient Chinese theory helped in the modern practice. The people were not only the root but the final judge. The Chinese universal mind functioning as a general will actually worked, and from the long universal study and acceptance of the ancient classical theory it was understood by all.

It was Mencius' advice put into practice, for it will be remembered Mencius said:

"Let it be seen to that their fields of grain and kemp are well cultivated, and make the taxes on them light;—so the people may be made rich.

"Let it be seen to that the people use their resources of food reasonably, and expend their wealth only on prescribed ceremonies;—so their wealth will be more than can be consumed.

"The people cannot live without water and fire, yet if you knock at a man's door in the dusk of the evening, and ask for water and fire, there is no man who will not give them, such is the abundance of things. A sage governs the empire so as to cause pulse and grain to be as abundant as water and fire. When pulse and grain are as abundant as water and fire, how shall the people be other than virtuous?" [9]

[9] "Mencius," Bk. VII, Pt. I, Ch. 23.

In another passage Mencius said:

"Kee and Chou's losing the empire arose from their losing the people, and to lose the people means to lose their hearts. There is a way to get the empire:—get the people and the empire is got. There is a way to the people:—get their hearts and the people are got. There is a way to get their hearts:—it is simply to collect for them what they like, and not to lay on them what they dislike. People turn to a benevolent rule as water flows downward and as wild beasts fly to the wilderness." [10]

"The people are the most important element in a nation; the spirits of the land and grain come next; and the sovereign is the least important of all." [11]

To what extent were such teachings of the sages respected? That the officers of the government have been taught the principles, there can be no doubt. Were they respected in actual practice? I think we may safely answer, "Yes."

Professor Giles is authority for the following: [12]

"Everyone who has lived in China, and has kept his eyes open, must have noticed what a large measure of personal freedom is enjoyed by even the meanest subject of the Son of Heaven. Any Chinaman may travel all over China without asking any one's leave to start, and without having to report himself, or be reported by his innkeeper, at any place at which he may choose to stop. He requires no passport. He may set up any legitimate business at any place. He is not even obliged to be educated, or to follow any particular calling. He is not obliged to serve as a soldier or a sailor. There are no sumptuary laws nor even any municipal laws. Outside the penal code, which has been pronounced by competent Western lawyers to be a very ably constructed instrument of government, there is nothing at all in the way of law, civil law being altogether absent as a state institution. Even the penal code is not too rigidly enforced. So long as a man keeps clear of secret societies and remains a decent and respectable member of his family and of his clan, he has very little to fear from the officials. The old ballad of the husbandman, which has come down to us from a very early date indeed, already hints at some such satisfactory state of things. It runs thus:

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[10] "Mencius," Bk. IV, Pt. I, Ch. 9.

[11] Ibid., Bk. VII, Pt. II, Ch. 14.

[12] Giles' "China and the Chinese," p. 87. Professor Giles wrote in 1902.

Work, work—from the rising sun
Till sunset comes and the day is done
I plough the sod,
And harrow the clod,
And meat and drink both come to me,—
Ah! What care I for the powers that be?"

As has been said before, and as I believe must be quite generally realized as a result of the few illustrations and experiences cited from very many which might be given, Chinese government in spite of its form was in theory and in practice a democracy. Institutions, such as the boycott, the guild, the strike, the trade combination, throve and developed in Chinese society, and the rules which governed the actions of these institutions were rules that made these institutions stand out definitely as agencies of the people. Chinese society furnished what Aristotle called the "best material" for a democracy.[13]

The Chinese did not have the idea of the equality of men, for "men's minds are different just as their faces are;" [14] but the civil service system did recognize equality in opportunity for men to prove their ability or superiority. No theory like the governmental or social contract was developed; but the idea of governmental contract was always implied under the theory that government was for the good of the people,[15] and the following quotation supports even in its argument the theory of an agreement between the ruler and the ruled.

"When people who live in hovels with wicker doors fitted to holes in the wall insult their superiors, it is hard to be a man of superior rank. Hea K'iu said, 'When King P'ing removed here to the east, there were seven families of us, who followed him, and on whom he was dependent for the victims which he used. He made a covenant with them over (the flesh of) a red bull, saying that from generation to generation they should hold their offices. If we had been people of such hovels, how could they have come to the east? and how could the King have been dependent on them? Now since Wang-Shuh be-

[13] Aristotle's "Politics," VI, 4, "the best material of democracy is an agricultural population, there is no difficulty in forming a democracy where the mass of the people live by agriculture or tending of cattle."

[14] "Ch'un Ts'iu," Tso's "Commentary," p. 566.

[15] Even Chuang Tzu, anti-governmentalist and glorious anarchist that he was, recognized that government's only possible excuse for existence rested upon the theory that "organized government is for the general good of all" (Giles' "Chuang Tzu," "Contingencies," p. 360).

came chief minister, the government has been carried on by means of bribes, and punishments have been in the hands of favorites. His officers have become enormously rich, and it is not to be wondered at if we are reduced to such hovels! Let your great state consider the case. If the low cannot obtain right, where is what we call justice?'" [16]

The thought of the Chou period produced a remarkable range of democratic theory. Confucian thought gained the ascendancy; therefore, we shall consider that first. Confucius and Mencius were not extremists. They followed the middle path. They recognized the rights of the different classes, the rights of rulers and of fathers. Mencius condemned Mo Tzu and Yang Chu, "these Father deniers and King deniers," and gave no heed to their leveling philosophy. Mencius' land distribution scheme made for democracy and it kept the people equal and independent, but he, like Confucius, saw no objection to a royal government in form, but the rule must be worthy. Therefore, while much of the Confucian theory and practice tended toward democracy, governmental form and the civil service made for an aristocracy, or a government by the literati and the sages. But we must never lose sight of the theory of Mencius which supported a belief in the natural goodness of man and in his natural right to an equality of opportunity which kept men comparatively equal. His theory was that democracy was possible only when the wise are allowed to rule; therefore, democracies become aristocracies when the best take part in government and oligarchies when the best hang back. The rulers will always be few when compared with the ruled, so that democracy, excepting by the theory of a universal mind, becomes impossible. The good must be trusted, but the good must also be trained, and, above all, must be given actual experience in the suffering and toil of the lowly.[17]

The Confucian theory is thus expressed by Mencius and is put in contrast with the thought of some of the other thinkers of the period.

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[16] "Ch'un Ts'iu," Tso's "Commentary," pp. 448, 449.

[17] Mencius said: "Shun rose from among the channeled fields. . . . Thus, when Heaven is about to confer a great office on any man, it first exercises his mind with suffering, and his sinews and bones with toil. It exposes his body to hunger, and subjects him to extreme poverty. It confounds his undertakings. By all these methods it stimulates his mind, hardens his nature, and supplies his incompetencies" (Bk. VI, Pt. II, Ch. 15).

"The disciple Kung-too said to Mencius, 'Master, the people beyond our school all speak of you as being fond of disputing. I venture to ask whether it be so?' Mencius replied, 'Indeed, I am not fond of disputing, but I am compelled to do it.'

"A long time has elapsed since this world of men received its being and there has been along its history now a period of good order, and now a period of confusion.

"In the time of Yao, the waters, flowing out of their channels, inundated the middle kingdom. Snakes and dragons occupied it, and the people had no place where they could settle themselves, and in the low grounds they made nests for themselves, and in the high grounds they made caves. It is said in the Book of History, 'The waters in their wild course warned me.' These waters in their wild course were the waters of the great inundation.

"Shun employed Yu to reduce the waters to order. Yu dug open their obstructed channels, and conducted them to the sea. He drove away the snakes and dragons and forced them into the grassy marshes. On this, the waters pursued their course through the country, even the waters of the Keang, the Hwae, the Ho, and the Hau, and the dangers and obstructions which they had occasioned were removed. The birds and the beasts which had injured the people also disappeared, and after this men found the plains available for them, and occupied them.

"After the death of Yao and Shun, the principles that mark the sages fell into decay. Oppressive sovereigns arose one after another, who pulled down houses to make ponds and lakes so that the people knew not where they could rest in quiet, and threw fields out of cultivation to form gardens and parks, so that the people could not get clothes and food. Afterwards, corrupt speakings and oppressive deeds became more rife. Gardens and parks, ponds and lakes, thickets and marshes, became more numerous, and birds and beasts swarmed. By the time of Chou, the empire was again in a state of great confusion.

"Chou-Kung assisted King Wu and destroyed Chou. He smote Yen and after three years put its sovereign to death. He drove Fei-leen to a corner by the sea, and slew him. The states which he extinguished amounted to fifty. He drove far away also the tigers, leopards, rhinoceroses, and elephants;—

and the empire was greatly delighted. It is said in the Book of History, 'Great and splendid were the plans of King Wan! Great were they carried out by the energy of King Wu! They are for the assistance and instruction of us who are of an after-day. They are all in principle correct, and deficient in nothing.'

"Again the world fell into decay, and principles faded away. Perverse speakings and oppressive deeds waxed rife again. There were instances of ministers who murdered their sovereigns, and of sons who murdered their fathers.

"Confucius was afraid, and made the 'Spring and Autumn.' [18] What the 'Spring and Autumn' contain are matters proper to the emperor. On this account Confucius said, 'Yes! It is the "Spring and Autumn" which will make men know me, and it is the "Spring and Autumn" which will make men condemn me.'

"Once more, sage emperors cease to arise, and the princes of the states give the reins to their lusts. Unemployed scholars indulge in unreasonable discussions, the words of Yang Chu and of Mo Tzu fill the empire. If you listen to the people's discourses, throughout it, you will find that they have adopted the views either of Yang or Mo. Now, Yang's principle is—'each one for himself'—which does not acknowledge the claims of the sovereign. Mo's principle is—'to love all equally,' which does not acknowledge the peculiar affection due to the fathers. But to acknowledge neither king nor father is to be in the state of the beast. Kung-Ming E said 'In their kitchens, there is fat meat. In their stables, there are fat horses. But their people have the look of hunger, and on the wilds there are those who have died of famine. This is leading on Beasts to devour men.' If the principles of Yang and Mo are not stopped, and the principles of Confucius not set forth, then these perverse speakings will delude the people, and stop up the path of benevolence and righteousness. When benevolence and righteousness are stopped up, beasts will be led on to devour men, and men will devour one another.

"I am alarmed by these things, and address myself to the defence of the doctrines of the former sages, and to oppose Yang and Mo. I drive away their licentious expressions, so that such perverse speakers may not be able to show themselves. Their delusions spring up in men's minds, and do

[18] The "Chu'un Ts'iu," "The Spring and Autumn Annals of Lu," covering years from B. C. 721 to 479 (see Chap. II).

injury to their practice of affairs. Shown in their practice of affairs, they are pernicious to their government. When sages shall rise up again, they will not change my words.

"In former times, Yu repressed the vast waters of the inundation, and the empire was reduced to order. Chou-Kung's achievements extended even to the barbarous tribes of the west and north, and he drove away all ferocious animals, and the people enjoyed repose. Confucius completed the 'Spring and Autumn' and rebellious ministers and villainous sons were struck with terror.

"It is said in the Book of Poetry:

"'He smote the barbarians of the west and the north:

"'He punished King and Seu;

"'And no one dared to resist us.'

"These father-deniers and king-deniers would have been smitten by Chou-Kung.

"I also wish to rectify men's hearts and to put an end to those perverse doctrines, to oppose the one sided actions and banish away their licentious expressions:—and thus to carry on the work of the three sages. Do I do so because I am fond of disputing? I am compelled to do it.

"Whoever is able to oppose Yang and Mo is a disciple of the sages." [19]

Mo and Yang were both levelers, but they represent the two extremes of leveling doctrine—Mo, "to love all equally" and Yang, "Every one for himself." Mencius condemned both doctrines as impossible and unnatural.

Mencius also condemns another type of leveler, [20] Hsu Hsing, who maintained that all stations in the social and economic order should be reduced to one and that all should be agriculturists. The farmer was the real producer and society should be a society of producers. Mencius defended the social and economic order as it existed and showed that even the farmer was dependent upon the handicraftsman and the tailor; that if the farmer is to eat he must have pots and boilers, and if he is to farm properly he must have a plow with an iron share. He went on and showed that there was a place in life for the scholar, the teacher, and the ruler classes also.

It would not be fair to dismiss the theories of the great

[19] "Mencius," Bk. III, Pt. II, Ch. 9.

[20] Ibid., Bk. III, Pt. I, Ch. 4.

democrats of the Chou period with the citations given in Mencius' condemnations, for it is in the thoughts of these men that we find the great appeals to liberty, freedom, inactivity and nonresistance, when they invite men's souls to companionship with the infinite, Tao, and men's minds to soar in thoughts unhampered by this man-made world of convention, rule, restriction, and false order.

Lao Tzu, Chuang Tzu, Lieh Tzu, and Yang Tzu were great levelers. Their appeals and their theories are best understood if we accept them in the same spirit that we accept the theories of the early Christians, where the freeman became the man who understood and lived the spirit of Jesus, or of the stoic who was fully converted to his idea of the brotherhood of man. The democracy of these men condemned by Mencius was a democracy which made for equality. It was the democracy of the levelers of England of the seventeenth century, of the abolitionists in America in the forties and fifties of the last century. It was the democracy of the Declaration of Independence, and of the Social Contract of Rousseau.

It is a democracy which invites freedom to men's souls as well as to their bodies, for the democracy of Tao like the democracy of Jesus "puts down the mighty from their seats and exalteth them of low degree."

"The true sage, when in obscurity, causes those around him to forget their poverty. When in power, he causes princes to forget ranks and emoluments, and to become as though of low estate. He rejoices exceedingly in all creation. He exults to see Tao diffused among his fellow-men, while suffering no loss himself." [21]

"If princes and kings could keep it (Tao), the ten thousand things would themselves pay homage. Heaven and earth would unite in dripping sweet dew, and the people with no one to command them would of themselves be righteous." [22]

"Thus, the nobles come from the commoners as their root, and the high rest upon the lowly as their foundation. Therefore, princes and kings call themselves orphaned, lonely, and unworthy. Is this not because they take lowliness as their root?" [23]

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[21] Giles' "Chuang Tzu," "Tse Yang," p. 336. Tao is a constant quantity. No man can keep it to himself. It can be shared but it cannot be divided.

[22] Carus' "Lao Tzu," "Canon of Reason and Virtue," Ch. 32.

[23] Ibid., Ch. 39.

"Now, wild fowl get a pect once in ten steps, a drink once in a hundred. Yet they do not want to be fed in a cage. For, although they would thus be able to command food, they would not be free." [24]

"Chuang Tzu was fishing in the P'u when the Prince of Chu sent two high officials to ask him to take charge of the administrations of the Ch'u state.

"Chuang Tzu went on fishing and without turning his head said, 'I have heard that in Ch'u there is a sacred tortoise which has been dead now some 3000 years, and that the Prince keeps this tortoise carefully enclosed in a chest on the altar of his central temple. Now would this tortoise rather be dead and have its remains venerated or be alive and wagging its tail in the mud?'

"'It would rather be alive,' replied the two officials, 'and wagging its tail in the mud.' 'Begone!' cried Chuang Tzu. 'I, too, will wag my tail in the mud.'" [25]

"Chiang Lu Mien went to see Chi Ch'e and said, 'The Prince of Lu begged me to instruct him, but I declined. However, he would take no refusal, so I was obliged to do so. I don't know if I was correct in my doctrine or not. Please note what I said. I told him to be decorous and thrifty; to advance the public-spirited and loyal, and to have no partialities. Then, I said, 'No one would venture to oppose him.'

"Chi Ch'e sniggered and said, 'Your remarks on the virtue of Princes may be compared with the mantis stretching out its feelers and trying to stop a carriage,—not likely to effect the object proposed. Besides, he would be placing himself in the position of a man who builds a lofty tower and makes a display of his valuables where all his neighbors will come and gaze at them.'

"'The government of the perfect Sage,' explained Chi Ch'e, 'consists in influencing the hearts of the people so as to cause them to complete their education, to reform their manners, to subdue the rebel mind, and to exert themselves one and all for the common good. This influence operates in accordance with the natural disposition of the people, who are thus unconscious of its operation. He who can so act has no need to humble himself before the teachings of Yao and

[24] Giles' "Chuang Tzu," "Nourishment of the Soul," p. 36.
[25] Ibid., "Autumn Floods," p. 217.

Shun. He makes the desires of the people coincident with virtue, and their hearts rest therein.'

. . . . . .

"'Of the government of the Sage,' answered Chun Mang. 'The officials confine themselves to their functions. Ability is secure of employment. The voice of the people is heard, and action is taken accordingly. Men's words and deeds are their own affairs, and so the empire is at peace. A beck or a call, and the people flock together from all sides. This is how the Sage governs.'" [26]

"In the ancestral temple, parents rank before all; at court, the most honourable; in the village, the elders; in matters to be accomplished, the most trustworthy. Such is the order which appertains to Tao. He who in considering Tao disregards this order, thereby disregards Tao; and he who in considering Tao disregards Tao,—whence will he secure Tao?" [27]

Here we have the rank and the manner of government in Chuang Tzu's democratic city state. Rule is in accord with the voice of the people, and men's words and deeds are their own affairs. Tao is democratic in its order. There is rank and there is precedence, but it is the rank and precedence of a democracy. There is no noble, no first-born, but the rank of the parent, the elder, the honorable, and the accomplished. Chuang Tzu's advice in practical politics is democratic in spirit and modern in the extreme. One would think that the problems of the ruler in his days were much the same as to-day. The necessity of keeping the ear to the ground, controlling public sentiment is present.

"For traveling by water there is nothing like a boat. For traveling by land there is nothing like a cart. This because a boat moves readily in water; but were you to try to push it on land you would never succeed in making it go.

"Be in harmony with your surroundings.

"Now ancient and modern times may be likened unto water and land; Chou and Lu to the boat and the cart. To try to make the customs of Chou succeed in Lu is like pushing a boat on land; great trouble and no result, except certain injury to oneself. Your Master has not yet learnt the doctrine of Non-angularity, of self-adaptation to externals.

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[26] Giles' "Chuang Tzu," "The Universe," pp. 145–151.

[27] Ibid., "The Tao of God," p. 163.

"Have you never seen a well-sweep? You pull it, and down it comes. You release it, and up it goes. It is the man who pulls the well-sweep, and not the well-sweep which pulls the man; so that both in coming down and going up, it does not run counter to the wishes of the man. And so it was that the ceremonial and obligations and laws of the Three Emperors and Five rulers did not aim at uniformity of application but at good government of the empire. Their ceremonial, obligations, laws, etc., were like the cherry-apple, the pear, the orange, and the pumelo,—all differing in flavour but each palatable. They changed with the changing season.

"Dress up a monkey in the robes of Chou Kung, and it will not be happy until they are torn to shreds. And the difference between past and present is much the same as the difference between Chou Kung and a monkey." [28]

That was Chuang Tzu's attitude toward Confucius' love of form and good government by propriety and rule. Confucius looked back to the ideal; he wanted man to act as the ancients did, and by so doing all would be well done. Thus rule would be a forced nicety. Chuang Tzu would make the ruler fit the people and the law reflect their ideas and customs. Chuang Tzu held that Confucius' scheme attempted to make the people fit the law and the will of the emperor.

May we quote another thrust at Confucius?

"When Hsi Shih, a famous beauty of old, was distressed in mind, she knitted her brows. An ugly woman of the village, seeing how beautiful she looked, went home, and having worked herself into a fit frame of mind, knitted her brows. The result was that the rich people of the place barred up their doors and would not come out, while the poor people took their wives and children and departed elsewhere. That woman saw the beauty of knitted brows, but she did not see wherein the beauty of knitted brows lay. [In suitability to the individual.] "Alas! your Master is emphatically not a success." [29]

Chuang Tzu seemed to understand that a democracy would be jealous of its rulers, careful not to allow too much power, and, therefore, a safe and conservative government so long as it remained a true democracy. He says: "Those who make wealth their all in all cannot bear loss of money. Those who make distinction their all in all cannot bear loss of fame. Those

[28] Giles' "Chuang Tzu," "The Circling Sky," pp. 180, 181.
[29] Ibid., p. 182.

who affect power will not place authority in the hands of others." [30]

Chuang Tzu always condemned false standards. He saw that standards set up by man in government resulted in sustaining a culture or a condition which was not true to man or his proper nature. He condemned government which taught division into classes and which preserved itself by an appeal to patriotism and duty. In this he was a great democrat. Man had certain rights by nature and he condemned those things which deprived man of these rights.

"Preaching of charity and duty to one's neighbor, of loyalty and truth, of respect, of economy, and of humility, this is but moral culture, affected by would-be pacificators and teachers of mankind, and by scholars at home and abroad.

"Preaching of meritorious services, of fame, of ceremonial between sovereign and minister, of due relationship between upper and lower classes, this is mere government, affected by courtiers or patriots who strive to extend the boundaries of their own state and to swallow up the territory of others." [31]

The conclusion which the student may draw from this little study of Chinese democracy is that a theory will stand in spite of the form of the agency through which it must operate. The student of government may explain the basis of Chinese democracy in many ways. He may point to the Chinese economic system; to its land tenure scheme; to its recognition of individual property rights. All, surely, are contributors. It is a direct democracy and when it acts its judgments are quick and final. So much is this the case that, when it is militant, it sulks, fights, strikes, or boycotts according to its mood. It is, therefore, either a pure democracy, the thing which the fathers of our constitution so much feared, or it is not a democracy at all in the sense in which the term is commonly used to-day. Chinese democracy is not a government "of the people, for the people, and by the people." The conception which Americans have in the words, "we, the people," is not there. But it is a system which demands government *for* the people.

Thus we see that Chinese democracy is, as the Chinese mind thinks the scheme out, not a democracy founded on rights, on economics, on land tenure, or private property; but

[30] Giles' "Chuang Tzu," "The Circling Sky," p. 184.
[31] Ibid., "Self Conceit," p. 190.

a democracy founded upon a sentiment which has come down through the ages, "That the people should be cherished; they should not be downtrodden."

The democracy of China is a democracy which, while it rests upon the principle of local self-government, is, nevertheless, a democracy in theory which rests solely upon the principle of man's privilege to act when discontented; or, in other words, the basis of Chinese democracy rests upon the right of rebellion. Constitutional government in the United States may properly be called democracy, but American democracy is not founded upon revolution. As I have compared democracy as it works in America and China, it seems quite proper to go apparently far afield, and point out a definite contrast between the two systems.

Chapter XIV

EARLY CHINESE LAW

"That which enables men to live collectively is wealth. Administering wealth, formulating rules and prohibiting people from doing wrong, that is called justice." [1]

"The end of punishment is to promote virtue." [2]

If we may judge from the first quotation early Chinese law would have naturally divided itself into at least three classes: (a) business or commercial law, to direct the administration of wealth; (b) statutory or administrative law, to direct the government and the people in their various relations; and (c) criminal law, to restrain people in their actions and prohibit wrongdoing.

But as a matter of fact the last class is the only one to which we need give much attention and the theory of the law centered around the theory and purpose of punishment.

The first two classes did not develop as formal law has grown in other countries. Ancient Chinese law knew but the third branch—criminal or moral law. Government remained personal, so that the second class of law became merely the ceremonies of the different dynasties and people's rights found their protection in the virtue of the ruler. Laws which the West called legislative or municipal, or ordinances such as city regulations, had no place in the Chinese scheme of legal thought. Business and commercial law if it existed at all existed in the customs, actions, and traditions of the guilds and the merchant organizations. Their differences were settled among themselves and not by appeals in litigation to courts or to public statutes. With the maintenance of private rights in civil or industrial questions the state had no concern.

In the various governmental forming books, such as the "Canon of Shun" and "The Great Plan" of the "Shu King," we find the basis of constitutional law, for, besides the organization of government, standards of measurements and the

[1] "Yi King," "Canon of Changes," p. 381.

[2] "Shu King," Books of Chou, "The Prince of Leu on Punishments," p. 609.

regulation of ceremonies were laid down,[3] but with the coming of Confucius and his command to "let a man who is living in the present age go back to the ways of antiquity; . . . To no one but the Son of Heaven does it belong to order ceremonies, to fix the measures, and to determine the written characters," [4] constitutional law could not develop and from thenceforth the ideal was only in the past and change could come but one way, by edict from above. Therefore government did not develop in such a way that the legislative, judicial, and executive functions became differentiated and separated, and the law as a result did not divide itself into branches. Early Chinese law, therefore, resolves itself into a description of what were declared to be crimes and what were the respective punishments assigned to them.

Due to the early patriarchal order of society, laws had for their prime motive the securing of subordination of the ruled to the ruler. They were, therefore, punitive and vindictive and stood unquestioned as to their justice. It is probably for this reason that written law and an appeal to it was supposed to denote a decay in government. And it was also probably for this reason that people were taught that their rights would be better taken care of by a virtuous ruler than by an appeal to law. If law became written, it was pointed out, there would be devices made to evade the letter of the law and its spirit would be forgotten. The Master said, "I can try a law suit as well as other men, but surely the great thing is to bring it about that there be no going to law." [5]

The first mention of the "statutory punishments" is in the "Canon of Shun." [6]

"He (Shun) gave delineations of the statutory punishments enacting banishment as a mitigation of the five great inflictions; with the whip to be employed in the magistrates' courts, the stick to be employed in schools and money to be received for redeemable crimes. Inadvertent offences and those which might be caused by misfortune were to be pardoned, but those who offended presumptuously or repeatedly were to be punished with death. 'Let me be reverent; let me be reverent,' he said to himself. 'Let compassion rule in punishment.'"

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[3] "Shu King," Books of Chou, "Canon of Shun," pp. 35, 36.
[4] "Doctrine of the Mean," Ch. 28.
[5] "Analects," Bk. XII, Ch. 13.
[6] "Shu King," "Canon of Shun," p. 38.

The five punishments alluded to were: (1) Branding—a tattooing on the face to mark a criminal. This punishment was inflicted on those who committed some act of minor importance or who failed to live up to some rule of society. (2) Cutting off the nose. This was the punishment for those who disobeyed the sovereign's laws, changed the style of clothes or of carts or chairs, who wounded, stole, or committed adultery. (3) Cutting off the legs at the knees or amputating the kneecap. This was the punishment for climbing over walls to steal, or for damaging gates or bridges. (4) Castration. This was the punishment for rape and illicit intercourse. (5) Death by various modes of execution. This was the punishment for all who were rebels against government, and for robbery with violence. These "five severe penalties" might, on several grounds, such as compassion, doubt of the law, or for exceptional merit, be commuted to banishment. The lighter punishments for slighter offenses were banishment, beating with whip in cases of officers in the court and with stick in cases of officers in the schools.[7]

Obviously these punishments prescribed in the "Canon of Shun" do not mark the beginning of the system. And if such punishments were needed in the times of the model rulers, we are tempted to question the perfect ideal of their rules. But why do it? "The end of punishment is to promote virtue."[8] The perfect system of punishments may have produced perfect virtue and then the laws and the punishments would have been dead letters! Why ruin a good story?

Yu (2205–2197 B. C.) is responsible for the institution of the punishment of mutilation. This cruel penalty was established in attempting to put a stop to disloyalty. It was retained through the Chou dynasty. There were also the punishments of "mincing," of "embracing the red hot pillar," of walking a greasy pole over a burning pit; and many others. But these severe punishments reacted against government. In the later Chou period drunkenness on the part of an official, treason, and being late in a military operation were all punishable with death. We read of strangling, confining by fetters,

[7] "Shu King," "Canon of Shun," Legge's "Notes," p. 39.

[8] "The Prince of Leu on Punishments," p. 609. "A punishment is an evil inflicted by publique Authority, on him that hath done, or omitted that which is Judged by the same authority to be a Transgression of the Law; to the end that the will of men may thereby the better be disposed to obedience." Hobbes' "Leviathan," Part II, Ch. XXVIII.

manacles, and stocks, and chaining to a market stone. The "Li Ki" advocates and accepts "lex talionis." "With the enemy who has slain his father, one should not live under the same heaven. With the enemy who has slain his brother, one should never have his sword to seek ('to deal vengeance'). With the enemy who has slain his intimate friend, one should not live in the same state (without seeking to slay him)." [9]

Such a law of retaliation had the support of Confucius.

In the later part of the Chou period there were 3,000 punishable offenses, including 500 punishable with death and 500 with branding or feet amputation. Crimes punishable with death were robbery, murder, unfilial, unbrotherly, and unworthy conduct. "Splitting words so as to break the force of the laws, confounding names so as to change what has been definitely settled, practicing corrupt ways so as to throw government into confusion, making or using licentious music, strange garments, wonderful contrivances, and extraordinary implements, persisting in hypocritical conduct and being disputatious in hypocritical speeches, studying what was wrong, giving false reports about the appearance of spirits, about seasons and days, and about consulting the tortoise-shell and stalks," were all punishable with death.[10]

Children under seven and men over ninety were exempt from punishment, and women were not tattooed nor were their feet amputated. A guilty member of the king's clan whose crime was punishable by castration was not so punished. His head was shaved and thus he was publicly stigmatized. Slayers of robbers or rebels were not punished. Fines were substituted for some of the heavy penalties and during the trying seasons of the year leniency was sometimes shown the imprisoned.

During the feudal period the laws of the Son of Heaven were supposed to hold sway not only in the middle kingdom but in all the states also. This was not always recognized and the separate states began issuing their own laws. It was the state of Ts'in which, in 746 B. C., instituted the "three-stock" law, according to which the three family connections of a criminal were all executed with the criminal. It was the state of Ts'in which later under Ts'in Shih Hwangti, the first

[9] "Li Ki," "Khu Li," Bk. I, p. 92.

[10] E. T. C. Werner, in Couling's "Encyclopædia Sinica," p. 290.

Emperor of United China, abolished the laws of the Chou period and established an even more severe system.

Chinese codes began to be cast in metal and placed on iron tripods about 500 B. C. and thus in spite of the natural prejudice against written law and the opposition of officials who thought of the written law as did Confucius, the written code system became well established and persisted down to the end of the empire, although the earlier codes themselves did not persist. Each dynasty adopted its own.

Confucius was minister of crime in Lu from 500 to 496 B. C. His administration has been greatly praised and his object in administering the law was to gain the sympathy and support of the people. Legge suggests the spirit of the modern jury system in Confucius' methods. "When any matter came before him he took the opinion of different individuals upon it, and in giving judgment would say, 'I decide according to the view of so and so.'" Legge also offers the following as an example of Confucius' manner of administering justice.[11] "A father having brought some charge against his son, Confucius kept them both in prison for three months, without making any difference in favor of the father, and then wished to dismiss them both. The head of the Chi was dissatisfied, and said, 'You are playing with me, sir minister of crime. Formerly you told me that in a state or a family filial duty was the first thing to be insisted on. What hinders you now from putting to death this unfilial son as an example to all the people?' Confucius with a sigh replied, 'When superiors fail in their duty, and yet go to put their inferiors to death, it is not right. This father has not taught his son to be filial;—to listen to his charge would be to slay the guiltless. The manners of the age have been long in a sad condition; we cannot expect the people not to be transgressing the laws.'"

The classification of crime according to Confucius was as follows: (1) offenses against Heaven and earth; (2) professing spiritual matters so as to cause rebellion; (3) opposing human relationships; (4) confusing civilization; and (5) manslaughter.[12]

It seems not out of place here to discuss a question which can be answered only by conjecture as to what would be the early Chinese attitude in relation to the question as to whether the state or an official acting for the state in his practice of

[11] Chinese Classics, Vol I, "Prolegomena," p. 74.
[12] E. T. C. Werner, in Couling's "Encyclopædia Sinica," p. 291.

public affairs would be subjected to the moral law. In other words, are the state and politics subject to moral law?

The Chinese answer, judged by the philosopher's review, would be decidedly "Yes." While the state in China may be all-embracing and impersonal, while the state as such can do no wrong, government, the agent of the state, is personal and government must act in accordance with moral law. The ruler without virtue can be no ruler.[13]

True, the great Chinese rulers may have been in practice men like Frederick the Great, who, as a young man, could write a book showing that there could be but one answer given the question as to whether moral law should control in administration of politics and who condemned the principles of Machiavelli, yet as a ruler his acts were not always consistent with his youthful outlook and the world remembers him better for his acts than for his book.

The Chinese could never divide the official into two men, one the lay moral man and the other the political official free from moral restraint. In giving advice to the prince the true political philosopher should die rather than submit to a prince's refusal to pay attention to advice.

Under Confucius' teachings the moral law is an idealistic combination of duty and virtue. It is those two characteristics which make the ideal ruler. The virtuous ruler, therefore, in a sense, typifies the moral law. He is the model of his people. The conception that the king can do no wrong is not Chinese; it is rather that the king will do no wrong. It is that fact which makes him king.

The Chinese state is the universe. Its laws are the universal laws. It is not a thing which can have a moral sense and as such the Chinese submit themselves to it. It is senseless to question the laws of nature and man fits in nature in a good or a bad way just to the extent that he is in harmony with the laws of nature. That holds for both ruler and subject. Therefore, the ruler fails to live up to the moral law if he is out of harmony with the big scheme of things. The scheme itself cannot be unjust. So to hold would put one out of harmony with nature. Therefore, it is the one out of harmony who is immoral and not the scheme or nature or the state or Tao.

[13] "Mencius," Bk. I, Pt. II, Ch. 8. Mencius here even condemns the Jesuit theory that the end may justify the means.

Political morality, therefore, cannot be severed from private morality.

There is something very close to what modern students accept as the beginning of law, the right and wrong in the Chinese system. Their law does not have its beginning in commandments written by the finger of God on tablets of stone or in a ready-made code of a Sun God delivered in person to a Hummurabi. Their origins are found in the experience of human society. Divinity may have been present, but man was never absent, and the law was his evolution and not God's revelation.

The fault with the Chinese scheme as it worked out was that politics, law, and morality did not serve as a means of bringing about the progress or perfection of mankind, for, while the Chinese recognized an evolution in the origin of things, the perfect state arrived too soon, and by the time their philosophy was crystallized the perfect state was in the past. With perfection attained evolution ceased, and China no longer attempted to move on, but accepted without question the models of the past. This led to a hopeless satisfaction, indifference, or submission to fate, which left them and held them for 2500 years a people stable, peaceful, self-satisfied, and conceited.[14]

The Chinese through the ages typified by "the good careful people of the villages" were "progressive" in the same sense that every "100 per cent" movement always is. They were the world of culture and the rest were barbarians. Self-content destroys self-growth. In that politics was the central thought of Chinese morality, the government was the first to realize that it was in control of the best, then government became stagnant.

The morality of a people and that of a statesman go hand in hand. This is bound to be true in a democracy. In China the philosophers recognized this and politically, therefore, they let the people be the final judge, trusting to the judgment of all rather than the opinion of the self-righteous or self-excusing few.

There can be but one answer to the moral responsibility

[14] That Confucius and Mencius both condemned this attitude in men is seen from the following, but the Chinese people have been more like the people Confucius and Mencius condemned and have remained through the ages "good careful men of the villages" who thought that "to be good is all that is needed." See "Mencius," Bk. VII, Pt. II, Ch. 37, for his condemnation of the "100% perfects ones" of his age.

of the ruler after reading the following from Mencius:[15] "There are instances of individuals without benevolence, who have got possession of a single state, but there has been no instance of the whole empire's being got possession of by one without benevolence."

Mencius even condemns killing in war by the state as wrong.[16] "There are men who say—'I am skillful at marshaling troops, I am skillful at conducting a battle.' They are great criminals."

The Confucian school, considering all law as moral law, made the rules of propriety not only the basis of law but also the beginning of it. It is through these rules that man becomes a social being and it is through the highest development of them that he is guided through the complexities of the highest social organization—the state. The "Li Ki" makes this point very certain.

"The parrot can speak, and yet is nothing more than a bird; the ape can speak, and yet is nothing more than a beast. Here now is a man who observes no rules of propriety; is not his heart that of a beast? But if men were as beasts, and without the principles of propriety, father and son might have the same mate." [17]

We have already noted that the following principle of propriety had become fundamental to Chinese law. "When he was seven, we say that he was an object of pitying love. Such a child and one who was very old, though they may be chargeable with crime, are not subjected to punishment." [18]

As an example of the fundamental nature and extent of the rules of propriety as law, note the following rule, which is in reality a law on conservation.

"The ruler of the state, in the spring hunting, will not surround a marshy thicket, nor will great officers try to surprise a whole herd, nor will other officers take young animals or eggs." [19]

In the following quotation from the "Shu King" there will

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[15] "Mencius," Bk. VII, Pt. II, Ch. 13.

[16] Ibid., Bk. VII, Pt. II, Ch. 4.

[17] "Li Ki," "The Khu Li," p. 64.

[18] Ibid.," The Khu Li," p. 66. It should be remembered that a seven-year-old child would be eight according to the Western way of counting ages. A Chinese baby is one on the day he is born and he becomes two years old on the following New Year.

[19] Ibid., "The Khu Li," p. 106.

be found a number of theories of punishments and legal concepts. Particularly interesting is the reference to the fact that punishments do not follow to the heirs, an idea which, as we shall see, the Chinese gave up later;[20] also that the intent is what makes the crime worthy of punishment.

"The emperor said, 'Kaou-yaou, that of these my ministers and people, hardly one is found to offend against the regulations of my government, is owing to your being the minister of crime, and intelligent in the use of the five punishments to assist in inculcation of the five duties, with a view to the perfection of my government, and that through punishment there may come to be no punishments, but the people accord with the path of the Mean. Continue to be strenuous.' Kaou-yaou said, 'Your virtue, O emperor, is faultless. You condescend to your ministers with a liberal ease; you preside over the multitude with a generous forbearance. Punishments do not extend to the criminal's heirs; while rewards reach to after generations. You pardon inadvertent faults, however great; and punish purposed crimes, however small. In cases of doubtful crimes, you deal with them lightly; in cases of doubtful merit, you prefer the high estimation. Rather than put to death an innocent person, you will run the risk of irregularity and error. This life-loving virtue has penetrated the minds of the people, and this is why they do not render themselves liable to be punished by your officers.' The emperor said, 'To enable me to follow after and obtain what I desire in my government, the people everywhere responding as if moved by the wind;—this is your excellence.'" [21]

In the announcement of the Prince of K'ang we find the following in regard to enforcement of punishments:

"The King says, 'Oh! Fung, deal reverently and understandingly in your infliction of punishments. When men commit small crimes, which are not mischances, but purposed, themselves doing what is contrary to the laws, intentionally, though their crimes be but small, you may not but put them to death. But in the case of great crimes, which are not purposed, but from mischance and misfortune, accidental, if the offenders confess unreservedly their guilt, you may not put them to death.'" [22]

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[20] See "Shu King," "Speech of Tang," p. 175. Also "Speech at Kan," p. 155.
[21] Ibid., "Counsels of the Great Yu," pp. 58–60.
[22] Ibid., "The Announcement of K'ang," p. 388.

The following ideas in relation to consideration of evidence and jurisdiction are worthy of note. Jurisdiction was a point which the Chinese early accepted. They carried the idea further than the legal or political fields. They recognized a proper jurisdiction even in worship.

"The King says, 'Oh! Fung, there must be the right regulation in this matter. When you show a great discrimination, subduing men's hearts, the people will admonish one another, and strive to be obedient. Deal with evil, as if it were a sickness in your person, and the people will entirely put away their faults. Deal with them as if you were guarding your infants, and the people will be tranquil and orderly. It is not you, Fung, who inflict a severe punishment or death upon a man; you may not of yourself so punish a man or put him to death!' Moreover, he says, 'It is not you, Fung, who cut off a man's nose or ears; you may not of yourself cut off a man's nose or ears!'

"The King says, 'In things beyond your immediate jurisdiction, have laws set forth which the officers may observe; and those should be the penal laws of Yin, which were right-ordered.'

"He also says, 'In examining the evidence in criminal cases, reflect upon it for five or six days, yea for ten days, or three months. You may then boldly carry your decision into effect in such cases.'

"The King says, 'In setting forth the business of the laws the punishments will be determined by the regular laws of Yin. But you must see that those punishments, as well as the penalty of death, be righteous.'" [23]

The infliction of punishment must be done in accordance with law, and not according to the inclination of the judge. A keen discrimination between different crimes should be made so that punishments may be of the proper severity. This is an early recognition of the "Mikado" theory of "Let the punishment fit the crime." The ruler himself under the vicarious system is responsible for all the crimes of the people, and he must see to the punishment of all who commit crime. In order that government should be one of law, the following theories are set forth:

"If we who are charged with government do not treat

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[23] See "Shu King," "The Announcement of K'ang," pp. 389–391.

parties who proceed to such wickedness as offenders, the laws of our nature given by Heaven to our people will be thrown into great disorder or destroyed. You must deal speedily with such parties according to the penal laws of King Wan, punishing them severely and not pardoning.

"These, who are disobedient to natural principles, are to be thus severally subjected to the laws;—how much more the officers employed in your State as the instructors of the youth, the heads of the various official departments, and the petty officers, charged with their several commissions; when they propagate and spread abroad other lessons, seeking the praise of the people, not thinking of the sovereign nor using the rules for their duties, but distressing him! These lead on to wickedness and are an abomination to me. Shall they be let alone? Do you quickly, according to what is recognized as right, put them to death.

. . . . . .

"The crimes of the people whether they are great or many, are all chargeable on me, and how much more shall this be said, when the report of them goes up so manifestly to Heaven!

. . . . . .

"The King thus says, 'Go, Fung. Do not disregard the statutes you should reverence; hearken to what I have told you:—so with the people of Yin you will enjoy your dignity, and hand it down to your posterity.'" [24]

Tso in his "Commentary" (p. 428) quoted Tsze Han, a minister of works, as saying: "To inflict different penalties on parties guilty of the same offence is improper punishment."

In the period of Duke Ch'aou (B. C. 540–509) in the Ch'un Ts'iu we have preserved for us in Tso's "Commentary" a letter which informs us of the theory and the spirit of the law in that time. We find a defense for government by the wise, and in accord with the rules of propriety a condemnation of written codes and punishments as a sign of a falling rule and disorder; also that written law will lead to litigation, strife, and the dodging of punishment.

"In the 3rd month, they cast (tripods) in Ch'ing, with descriptions (of crimes and their) punishments (upon them). In consequence of this, Shuh-heang sent a letter to Tsze-

[24] See "Shu King," "The Announcement of K'ang," pp. 393–398.

ch'an, saying, 'At first I considered you (as my model), but now I have ceased to do so. The ancient kings deliberated on (all the circumstances), and determined (on the punishment of crimes); they did not make (general) laws of punishment, fearing lest it should give rise to a contentious spirit among the people. But still, as crimes could not be prevented, they set up for them the barrier of righteousness, sought to bring them all to a conformity with their own rectitude, set before them the practice of propriety and the maintenance of good faith, and cherished them with benevolence. They also instituted emoluments and places to encourage them to follow (their example), and laid down strictly punishments and penalties to awe them from excesses. Fearing lest these things should be insufficient, they therefore taught the people (the principles of) sincerity, urged them by (discriminations of) conduct, instructed them in what was most important, called for their services in a spirit of harmony, came before them in a spirit of reverence, met exigencies with vigour, and gave their decisions with firmness, and in addition to this, they sought to have sage and wise persons in the highest positions, intelligent discriminating persons in all offices, that elders should be distinguished for true-heartedness and good faith, and teachers for their gentle kindness. In this way the people could be successfully dealt with, and miseries and disorder be prevented from arising.' When the people know what the exact laws are, they do not stand in awe of their superiors. They also come to have a contentious spirit, and make their appeal to the express words, hoping peradventure to be successful in their argument. They can no longer be managed. When the government of Hea had fallen into disorder the penal code of Yu was made; under the same circumstances of Shang, the penal code of T'ang; and in Chow, the code of the nine punishments;—those three codes all originated in ages of decay. And now in your administration of Ch'ing, you have made (your new arrangements for) dykes and ditches, you have established your (new system of) governmental (requisitions), which has been so much spoken against, and you have framed (this imitation of) those three codes, casting your descriptions of (crimes and their) punishments:—will it not be difficult to keep the people quiet, as you wish to do? The ode (Shi, IV, 1 (i) ode VII) says,

"'I imitate, follow, and observe the virtue of King Wan,

and daily there is tranquillity in all the regions;' and again (III, i, ode I. 7):

"'Take your pattern from King Wan, and the myriad States will repose confidence in you.'

"In such a condition, what need is there for any code? When once the people know the grounds for contention, they will cast propriety away, and make their appeal to your descriptions. They will all be contending about a matter as small as the point of an awl or a knife. Disorderly litigations will multiply, and bribes will walk abroad. Ch'ing will go to ruin, it is to be feared, in the age succeeding yours. I have heard the saying that 'When a State is about to perish, there will be many new enactments in it. Is your proceeding an illustration of it?'

"To this letter Tsze-Ch'an returned the following reply, 'As to what you say, I have not the talents nor the ability to act for posterity; my object is to save the present age. I cannot accept your instructions, but I dare not forget your great kindness.'" [25]

The responsibility of the ruler for all the crimes of the ruled, vicarious responsibility and vicarious punishment, the holding of the family and relatives of the guilty also guilty, are all products of early Chinese law theories.

In the "Annals of the Bamboo Books" (p. 159) we read: "Ts'in for the first time used the punishment of destroying criminals' relatives." [26]

Legge, in his concluding note on the book, "The Announcement of Tang," has the following to say in relation to Tang's offer of himself as a sacrifice, for the ills of his reign furnishes us with a classical example of vicarious responsibility:

"According to the 'Standard Annals,' his reign terminated B. C. 1753, so that his sway over the empire lasted only 13 years. The first 7 of them were a season of trial and calamity. No rain fell. Famine was the consequence of the drought. The sufferings of the people were intense. The issues of the mint were freely distributed among them, but money was of little use when grain was scanty. It was suggested at last, we are told, that some human being should be offered in sacrifice to Heaven, and prayer for rain presented at the same time. 'It is for the people,' said T'ang, 'that rain needs to be sought.

[25] "Ch'un Ts'iu," "Tso's Commentary," p. 609.

[26] Twenty-fifth Year of King P'ing (744 B. C.).

If a man must be the victim for such an object, I will be he.' He then fasted, cut off his hair and his nails, and in a plain carriage drawn by white horses, clad in white rushes, in the guise of sacrificial victim, he proceeded to a grove of mulberry trees, and there prayed, asking whether the calamity was owing to any failure in his government, or misemployment of officers, or extravagance in palaces, or excessive devotion to beauty, or the practice of bribery, or allowance of calumniators. He had not done speaking when a copious rain fell over several thousand li.

"This account is doubtless much embellished, but through the cloud of exaggeration we can see the generous sovereign sympathizing with the general distress, fasting, and praying for the removal of the calamity." [27]

Probably the best example of Chou period theory and practice of law and punishments is the Book of the "Shu King" known as "The Prince of Leu on Punishments." I shall present it in full: [28]

The Prince of Leu on Punishments

"In the reference to the charge to the prince of Leu:—When the king had enjoyed the throne till he was the age of a hundred years, he gave great consideration to the appointment of punishments, in order to restrain the people of all quarters.

"The king said, 'According to the teachings of ancient times, Ch'e-yew was the first to produce disorder which spread among the common people, till all became robbers and murderers, owl-like in their conduct, traitors and villains, snatching and filching, dissemblers and oppressors.'

"Among the people of Meaou, they did not use the power of good, but the restraint of punishments. They made the five punishments engines of oppression, calling them the laws. They slaughtered the innocent, and were the first also to go to excess in cutting off the nose, cutting off the ears, castration, and branding. All who became liable to those punishments were dealt with without distinction, no difference being made in favour of those who could offer some excuse. The mass of the people were gradually affected by this state of things, and became dark and disorderly. Their hearts were no more

[27] "Shu King," "The Announcement of T'ang," Legge's "Notes," p. 190.

[28] Ibid., Books of Chou, "The Prince of Leu on Punishments," pp. 588–612.

set on good faith, but they violated their oaths and covenants. The multitudes who suffered from the oppressive terrors, and were in danger of being murdered, declared their innocence to Heaven. God surveyed the people, and there was no fragrance of virtue arising from them, but the rank odour of their cruel punishments.

"The great emperor compassionated the innocent multitudes who were in danger of being murdered, and made the oppressors feel the terrors of his majesty. He restrained and finally extinguished the people of Meaou, so that they should not continue to future generations. Then he commissioned Ch'ung and Le to make an end of the communications between earth and heaven, and the descents of spirits ceased. From the princes down to the inferior officers, all helped with clear intelligence the spread of the regular principles of duty, and the solitary and widows were no more disregarded. The great emperor with an unprejudiced mind carried his inquiries low down among the people, and the solitary and widows laid before him their complaints against the Meaou. He sought to awe the people by his virtue, and all were filled with dread; he proceeded also to enlighten them by his virtue, and all were enlightened. And he charged the three chiefs to labour with compassionate anxiety in the people's behalf. The baron E delivered the statutes of ceremony, to prevent the people from rendering themselves obnoxious to punishment. Yu reduced to order the water and the land, distinguishing by name the hills and rivers. Tsieh spread abroad a knowledge of husbandry, so that the people could largely cultivate the admirable grains. When the three chiefs had accomplished their work, it was abundantly well with the people. The minister of Crime exercised among the people the restraint of punishments, in exact adaptation to each offence, to teach them to reverence virtue. The greatest gravity and harmony in the sovereign, and the greatest intelligence in those below him, thus shining forth to all quarters of the empire, all were rendered diligent in cultivating their virtue. Hence, if anything more were wanted, the clear adjudication of punishments effected the regulation of the people, and helped them to observe the regular duties of life. In examining criminal cases, the officers executed the law not only against the powerful, but also against the wealthy. They were all reverence and caution. They had no occasion to

make choice of words in reference to their conduct. The virtue of Heaven was attained to by them; from them was the determination of so great a matter as the lives of men. In their low sphere they yet corresponded to Heaven, and enjoyed its favour.

"The king said, 'Ah! you who superintend the government and preside over criminal cases throughout the empire, are you not constituted the shepherds of Heaven? Whom ought you now to survey as your model? Is it not from the people of Meaou, who would not examine into the circumstances of criminal cases, and did not make choice of good officers who should see to the right apportioning of the five punishments, but chose the violent and bribe-snatchers, who determined and administered them so as to oppress the innocent, until God could not hold them guiltless, and sent down calamity on Meaou, when the people had no plea to urge in mitigation of punishment, and their name was cut off from the world?'

"The king said, 'Oh! lay it to heart. My senior uncles, and all ye my brethren and cousins, my sons and my grandsons, listen all of you to my words, in which, it may be, you will receive a most important charge. You will tread the path of satisfaction only by being daily diligent;—do not have occasion to beware of the want of diligence. Heaven, in its wish to regulate the people, allows us for a day to make use of punishments. Whether crimes have been premeditated, or are unpremeditated, depends on the parties concerned;—do you deal with them so as reverently to accord with the mind of Heaven, and serve me, the one man. Though I would put them to death, do not you therefore put them to death; though I would spare them, do not you therefore spare them. Reverently apportion the five punishments, so as to complete the people, then they will look to you as their sure dependence; the repose of such a state will be perpetual.'

"The king said, 'Ho! come ye rulers of States and territories, I will tell you how to make punishments a blessing. Now it is yours to give repose to the people:—What should you be most concerned about the choosing of? Should it not be proper men? What should you deal with the most reverently? Should it not be punishments? What should you calculate the most? Should it not be to whom they should reach?'

"When both parties are present, with their documents and witnesses all complete, let all the judges listen to the five-

fold statements which may be made. When they have examined and fully made up their minds on those, let them adjust the case to one of the five punishments. If the five punishments do not meet it, let them adjust it to one of the five redemption-fines; and if these again are not sufficient for it, let them reckon it among the five cases of error.

"In settling the five cases of error there are evils to be guarded against;—being warped by the influence of power, or by private grudge, or by female solicitation, or by bribes, or by applications. Where such things are, the offence becomes equal to the crime before the judges. Do you carefully examine, and prove yourselves equal to every difficulty.

"When there are doubts as to the infliction of any of the five punishments, that infliction should be forborne. When there are doubts as to the infliction of any of the five fines, it should be forborne. Do you examine carefully, and overcome every difficulty. When you have examined, and many things are clear, yet form a judgment from studying the appearance of the parties. If you find nothing on examination, do not listen to the case any more. In everything stand in awe of the dread majesty of Heaven.

"When in a doubtful case the infliction of branding is forborne, the fine laid on instead must be 600 ounces of copper; but you must first have satisfied yourselves as to the crime. When the case has reference to the cutting off of the nose, the fine must be double this, the same care having been taken to determine the crime. Where the penalty would be cutting off the feet, the fine must be 3,000 ounces;—with the same careful determination of the crime. Of crimes that may be redeemed by the fine in lieu of branding there are 1,000, and the same number of those that would otherwise incur cutting off the nose. The fine in lieu of cutting off the feet extends to 500 cases; that in lieu of castration to 300; and that in lieu of death to 200. Altogether, set against the five punishments there are 3,000 crimes. In the case of others not exactly defined, you must class them with the next higher or next lower offences, not admitting assumptive and disorderly pleadings, and not using obsolete laws. Examine; act lawfully:—judge carefully, and prove yourselves equal to every difficulty.

"Where the crime should incur one of the higher punishments, but there are mitigating circumstances, apply to it the next lower. Where it should incur one of the lower punish-

ments, but there are aggravating circumstances, apply to it the next higher. The light and heavy fines are to be apportioned in the same way by the balance of circumstances. Punishments and fines should also be light in one age and heavy in another. To secure uniformity in this seeming irregularity, there are certain relations of things to be considered, and the essential principle to be observed.

"The chastisement of fines is short of death, yet it will produce extreme distress. They are not therefore persons of artful tongues who should determine criminal cases, but really good persons, whose awards will hit the right mean. Examine carefully where there are any discrepancies in the statements; the view which you were determined not to follow you may see occasion to follow; with compassion and reverence settle the cases; examine clearly the penal code and deliberate with all your assessors, that your decisions may be all likely to hit the proper mean and be correct:—whether it be the infliction of a punishment or a fine, examining carefully, and mastering every difficulty. When the case is thus concluded, all parties will acknowledge the justice of the sentence; and when it is reported, the sovereign will do the same. In sending up reports of cases, they must be full and complete. If a man has been tried on two counts, his two punishments must be recorded.

"The king said, 'Oh! let there be a feeling of reverence. Ye judges and chiefs, and all ye who my relatives are of the royal House, know all that I speak in much fear. I think with reverence of the subject of punishment, for the end of it is to promote virtue. Now Heaven, wishing to help the people, has made us its representatives here below. Be intelligent and pure in hearing one side of a case. The right ordering of the people depends on the impartial hearing of the pleas on both sides;—do not seek for private advantage to yourselves by means of those pleas. Gain not by the decision of cases in no precious acquisition; it is an accumulation of guilt, and will be recompensed with many evils:—you should ever stand in awe of the punishment of Heaven. It is not Heaven that does not deal impartially with men, but men ruin themselves. If the punishment of Heaven were not so extreme, the people would have no good government all under Heaven.'

"The king said, 'Oh! ye who shall hereafter inherit the dignities and offices of the present time, to whom are ye to go

for your models? Must it not be to those who maintained and promoted the virtue belonging to the unbiassed nature of the people. I pray you give attention to my words. The wise men of antiquity by their use of punishments have obtained boundless fame. Everything relating to the five punishments exactly hit with them the due mean, and hence came their excellence. Receiving from your sovereigns the good multitudes, behold in the case of those men punishments made felicitous.'" [29]

We may now turn to the Taoist theory of law.

As Tao appears as the balance and equipoise in nature, so it appears in the state as law. In man it is ideal reason of a universal type which is in him but not of him. It is also in the state or in men acting in coöperation. The theory of law then to the Taoist-guided Chinese would be that there exists in the state a universal law of nature which will, and does, control, despite all that man may do, and therefore the well-directed states and wise statesmen act and rule in harmony with the law.[30] It is a law which cannot be found; it can hardly be known, but of its existence there can be no doubt. The basic authority of Chinese Taoist law would be not a divine sanction, not a revelation, not a decree of a wise man or group of men, not man and his customs. It could not be the people, because while Tao is in man it is not of man. It is simply that which is in harmony with the great universal scheme of things (limited of course to the conception of what the Chinese thought the universe to be). For want of better words we may describe the Chinese Tao as the law of nature and give that law the background of a Chinese philosopher living some time before Christ. It is an eternal principle and properly not subject to complete definition. In this it does not greatly differ from the Greek "Logos" and the Christian "Word."

"When Hsien, of the Kung-Wen family, beheld a certain official he was horrified, and said, 'Who is that man? How came he to lose a foot? Is this the work of God or man?

[29] "Shu King," "The Prince of Leu upon Punishments," pp. 588–611.

[30] It was Plato who said that "law is the tyrant of mankind, and often compels us to do many things that are against our nature." That is the Taoist spirit and attitude toward law. Professor Giles calls attention to one application of this in the following: "Many petty offences which are often dealt with very harshly in England, pass in China almost unnoticed. No shopkeeper or farmer would be fool enough to charge a hungry man with stealing food, for the simple reason that no magistrate would convict. It is the shopkeeper's or farmer's business to see that such petty thefts cannot occur" (Giles, "China and the Chinese," p. 88).

"'Why, of course,' continued Hsien, 'it is the work of God, and not of man. When God brought this man into the world he wanted him to be like other men. Men always had two feet. From this it is clear that God and not man made him as he is.'" [31]

While it is apparent from the quotation taken from the "Yi King," that the early Chinese recognized a difference between rules governing the administration of wealth, rules regulating the relations between officials and the people, and the rules made for the suppression of crime, the Chinese law did not develop in accordance with this division. Business and civil law, while not entirely neglected in everyday practice, became neglected as a function of the state, and rules covering commercial relations became a matter for the business men themselves or their guilds to make and to adjust. The need of administrative law did not become evident because of the universal acceptance of the rules of propriety. Therefore Chinese law as a function of the state developed only along criminal lines. Law became an institution associated almost entirely with crimes and punishments. Great codes were formulated and proclaimed by the various dynasties, but the early Chinese thinker was not enthusiastic over written law and saw in it a step toward litigation rather than a step toward justice. Government both in theory and practice remained personal, therefore, there was no opportunity for the development of legislative enactments or for the development of laws similar to the municipal laws and ordinances of the West.

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[31] Giles' "Chuang Tzu," "Nourishment of the Soul," p. 35. ' Professor Giles comments on this: "It was God's will that he took office with a view to personal aggrandisement. That he got into trouble and suffered the common punishment of loss of feet, cannot therefore be charged to man.

Chapter XV

INTERSTATE IDEAS

"'Let those who wish to side with Ts'oo go to the right, and those who wish to side with Woo go to the left.' The people took the side of the state near to which their lands lay; and those who had no lands took the side they were inclined to." [1]

At the time of Confucius the Chinese world consisted of a multitude of states [2] and the rude tribes which surrounded them. This multitude of states, when considered as one, constituted the Middle Kingdom. The Middle Kingdom, during nearly all of the Chou period, was a unity in theory only. The multitude of states were at times under feudal organization, at other times to all intents and purposes independent states which made war with one another, entered into alliances, formed leagues, and received and sent ambassadors. There were states unequal in size and in military strength; therefore, there were states which maintained themselves by force and weaker ones which learned diplomacy and appealed to arguments and thereby stood.

Three hundred years after the time of Confucius the state of Ts'in, under the leadership of Ts'in Shih Hwangti, got control of all the states and made the multitude of separate principalities into a unit. The Middle Kingdom from that day has been consistent with its early theory. The Chinese world in theory remained, though a world of two parts—the Middle Kingdom and the surrounding barbarians—and in this there was no change until very recent times.

During many of the centuries of the Chou period China passed through conditions which promoted ideas which in other parts of the world developed into concepts basic to international law. The unification of China governmentally stopped a fuller growth of these ideas and the theory that all but the united Middle Kingdom was barbarian led to an isolation that made further growth impossible. Thus, in all China's long experience until very recent times, there were

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[1] "Ch'un Ts'iu," "Duke Gae," "Tso's Commentary," p. 795.

[2] For a list of the states in the time of Confucius see "Ch'un Ts'iu," p. 575.

never present in her world the seven conditions which Oppenheim [3] lays down as being essential to international law; nevertheless, we shall see that the Chou period furnished many of these seven conditions and that interstate ideas did develop as a result.

Oppenheim says that "it is the task of history, not only to show how things have grown in the past, but also to extract a moral for the future out of the events of the past. Seven morals can be said to be deduced from the history of the development of the Law of Nations:"

First: there must be "an equilibrium, a balance of power, between the members of the family of nations." [4]

The history of the Chou period shows that a balance between the states was maintained; but, with the destruction of this balance by the force of one powerful state, not only was the balance destroyed but also the growth of interstate theory stopped.

Second: "international law can develop progressively only when international politics are made the basis of real state interests."

With the advent of Ts'in Shih Hwangti came not only the end of all theory which had to do with state interest, but also the order for the destruction of books which was to destroy all theory but that which advanced personal political theory of Ts'in Shih Hwangti.

Third: "that the progress of international law is intimately connected with the victory everywhere of constitutional government over autocratic government."

The unification of China under Ts'in Shih Hwangti was the work of an autocrat, whereas much of the theory of the

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[3] Oppenheim, L., "International Law," p. 93.

[4] This balance may be maintained in several ways, for example: (1) an understanding between all members of a group, such as a league; (2) a balance between two or more groups of about equal strength; (3) a balance between two groups centering around the two most powerful states; (4) a complete mastery of all states by one very powerful, or super state, which, while holding control, does not destroy the independence of the separate units. The first three arrangements are found in the history of the Chou period and the fourth might have been realized also, but Ts'in Shih Hwangti destroyed the independence of the separate states in bringing about his unity. Each time when the balance was broken the separate states recognized no preëminence either of power or of agreement and the process of covenant-making started over. Trading back and forth, seeking individual convenience, and cherishing an ambitious hope for advantage, or with a lingering hope of regaining the security of former peaceful understanding under the balance, the rivalry continued (see Tso's "Commentary," p. 765, for an example).

governments of the states before his time was democratic and in accordance with the consent of the governed. During the democratic period there was growth in international law concepts; with the coming of autocracy this ceased.

Fourth: "that the principle of nationality is of such force that it is fruitless to try to stop its victory. Wherever a community of many millions of individuals, who are bound together by the same blood, language, and interests, become so powerful that they think it necessary to have a state of their own, in which they can live according to their own ideals and can build up a national civilization, they will certainly get that state sooner or later."

The Chou period theory recognized the theory of self-determination while that of Ts'in Shih Hwangti sought to accomplish a unity by a destruction of all theory in disagreement with his own.[5] Self-determination and interstate ideas were consistent and developed together. With the destruction of the principle of self-determination other interstate ideas ceased.

Fifth: "that every progress in the development of international law wants due time to ripen."

The fact that such time was not given the ideas developed in the Chou period to continue through later times caused the growth of international conceptions to become arrested.

Sixth: "that the progress of international law depends to a great extent upon whether the legal school of international jurists prevails over the diplomatic school."

The tendency of Chinese governmental theory to insist that government be personal rather than legal has resulted in Chinese rulers being excellent diplomatists, but it has also resulted in an arrested growth of even internal government by law.

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[5] It seems to me that this was the great motive that Ts'in Shih Hwangti had when he ordered the destruction of the books. The idea that Ts'in Shih Hwangti was just a foolish ruler who wanted to be thought of as the first great emperor, will not satisfy a student of the period with enough motive to bring about a complete destruction of all political literature. It is very certain that a unity of China would be impossible with the self-determination theories of the Chou period in the minds of the people. Ts'in Shih Hwangti's motives in destroying the books must have been political. Ts'in Shih Hwangti forced a new thought and a revolutionary one. He accomplished it by destroying the old. The Empire of China was the result. Ts'in Shih Hwangti was no foolish man. He was a statesman who built on a mighty foundation, which destroyed all theory contrary to his one objective. His was the now familiar problem of states' rights against central authority.

Seventh: "that progressive development of international law depends chiefly upon the standard of public morality on the one hand, and on the other, upon economic interests."

There must be interstate intercourse under conditions referred to under the first moral mentioned by Oppenheim before there can be a "progressive development" in law governing those conditions. With the conception of the Chinese world which has persisted since Ts'in Shih Hwangti's time, interstate intercourse has been impossible, so that international law could not develop.

In the light of Chinese history Professor Oppenheim's deductions are correct. Since the time of Ts'in Shih Hwangti until modern times there has been no place in Chinese history for international law. May we not, though, test the deductions in the period of the multitude of states? If we find the proper conditions we should find steps in the growth of international law. That surely is consistent with Professor Oppenheim's reasoning. Therefore, it cannot be out of place to point out the various interstate ideas which may be found which are closely related to international law conceptions.

The more research that is given to early civilizations, the more we learn that, as soon as there developed a cultural center of a certain level of civilization, a state of some prominence developed, and simultaneously there grew up relations with the outside that soon took shape in a system of interstate institutions. In other words, such a system was a necessary consequence of any civilization, and this would make interstate relations as old as human culture in general.

Ancient peoples of Asia and Northeast Africa were well acquainted with international relations and, to a certain extent, with international law.[6]

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[6] Korff, Baron S. A., "Introduction to the History of International Law," *American Journal of International Law*, April, 1924.

The following, which gives consideration to some aspects of early Hindu interstate theory, is worthy of our attention:

"These are the elementary principles of international dealings of which elaborate accounts are give in the writings of Kautilya and Kamandaka. The theory holds that there is a hypothetical tug of war always being fought between the vijigisu and his ari (the enemy). These two are the combatants or belligerents. Along with these are to be counted another two states in order to furnish a logical completeness to the hypothesis. The quadrivium consists of the following members:

"1. The vijigisu: the aspirant, for example, an Alexander 'mowing his might,' bent on 'conquering and to conquer.'

"2. The ari (the enemy): the one that is situated anywhere immediately on the circumference of the aspirant's territory.

Ambassadorial missions, movement for the extradition of fugitive criminals, protection of certain classes of foreigners, and the sanctity of international contracts are all conceptions which have ancient origin. As the history of ancient and eastern civilizations is being more and more opened up to us we are learning that given conditions brought given results.

It would be of great worth to the student of international law to know that the fundamental principles of international intercourse always were and are even in our day identical all

"3. The madhyma (the mediatory): the one (located close to the aspirant and his enemy) capable of helping both the belligerents, whether united or disunited, or of resisting either of them individually.

"4. The udasina (the indifferent or the neutral): the one (situated beyond 1, 2, and 3) very powerful and capable of helping the aspirant, the enemy, and the mediatory, together or individually, or resisting any of them individually.

"These four states, they constitute the smallest unit of international grouping. From the standpoint of the vijigisu all other states are either his own allies or the allies of this enemy. Such states are held to be eight in number according to the hypothesis. How, now, is the 'aspirant' to pick up his own allies from the crowd? He need only study the geographical position of these states with reference to the belligerents, to himself and to his enemy.

'The madhyma (the mediatory) and the udasina (the neutral) may be neglected by the Siegfried, for the time being, in his calculation of the possible array of forces directly allied or inimical to his career of conquest. The two belligerents, with the eight others (divided in equal proportion as their allies in potentia), are then located in the following order of entente cordiale by Kamandaka and Kautilya.

"The 'aspirant' occupies, of course, the hypothetical center. Next to his front is the 'enemy.' Now we have to calculate frontwards and rearwards. Frontwards: next to the 'enemy' is situated (1) the aspirant's ally, next to that is (2) the enemy's ally, next (3) the ally of the aspirant's ally, and last (4) the ally of the enemy's ally. Rearwards from the aspirant: first is situated (1) the rearward enemy, next is (2) the rearward ally, then comes (3) the ally of the rearward enemy, and last (4) the ally of the rearward ally.

"There is nothing queer, archaic or unworkable in this conception of international relations. A simple illustration would show how humanly the political theorists of India approached the foreign policy of nations. Thus, for instance, according to the Kautiliyan doctrine of mandala, the 'natural enemies' of France engaged in studying the modus operandi for 'the next war' would be Spain, England and Germany, and her 'natural allies' Portugal, Scotland, Ireland, and Russia.

"A French vijigisu, e. g., a Napoleon, embarking on a war with Germany, should begin by taking steps to keep his 'rear safe.' With this object he should have Spain attacked by Portugal, and manage to play off the anti-English forces in Ireland and Scotland in such a manner that England may be preoccupied at home and unable to attack France in support of Germany. As Germany, on the other hand, is likely to have China as her natural ally (supposing there is no other state between Russia and the Far East), the French vijigisu should set Russia against China, and so on. It is obvious that the diplomatic feats conceived by the Hindu political philosophers could be verified almost to the letter by numerous instances in European and Asian history, especially in ancient and medieval times when Eur-Asia was divided into numberless nationalities" "The Political Institutions and Theories of the Hindus," by Sarkar, pp. 219, 220).

over the world, for it would prove the inward potential strength and vitality of the system.

May we not also draw the conclusion from the ancient studies that international law is a necessary consequence of any civilization? The mere fact of neighborly cohabitation creates moral and legal obligations which in the course of time crystallizes into a system of international law. In other words, international law grows up and develops in exactly the same way outside the state as legal institutions form and crystallize inside the state from the mere fact of the social life of man.

Only among relatively equal states does the sanctity of international law find a guaranteed existence and recognition. Ancient China, like Greece, had interstate relations, alliances, and leagues. With the ancient international system of Egypt, and the Middle and the Near East, a system of international law of those days found its sanction in religion. In China this was not the case, although covenants had their religious oaths and ceremonies; but we may say that in ancient China, as in the days of Grotius, the basic theory on which their interstate law rested was the natural law behind the rules of propriety. As I have said, religion was there in the oaths and the covenants, but religion gave a more binding force to the theories of the natural law.

Europeans and Americans from long habit of thought have considered the people of China as homogeneous and the Chinese state as a unit. Both characterizations are technically correct but both are actually incorrect. China is in reality even to-day a league of peoples living under one huge system of society. In ancient times there were many small states; therefore, the Chinese, from the beginning, were schooled in matters of diplomacy, and, therefore, it will not be surprising to find much information in regard to interstate relations. China to-day stands in danger of becoming Balkanized. China was precisely that during most of the period of the Chou Dynasty. Small feudal states, some strong and powerful, others weak, made for interstate communication. Interstate rivalries regarding the preservation of people by diplomacy, by agreement, and by actual organization were developed.

As habit, attitude, and propriety figure greatly in the conduct of the official within the state, just so states themselves succeeded or failed by observing proper rules.

"A great state, one that lowly rose, becomes the empire's union and the empire's wife. The wife always through quietude conquers her husband and by quietude renders herself lowly, thus a great state through lowliness towards small states will conquer the small states and small states through lowliness toward great states will conquer the great states. Therefore, some render themselves lowly for the purpose of conquering, others are lowly and therefore conquer. A great state desires no more than to unite and feed the people, a small state desires no more than to devote itself to the service of the people. But that both may obtain their wishes the greater one must stoop." [7]

In taking up a subject such as interstate relations in regard to China it would be well to consider it under three headings: First, the theory which made China what she was before her opening and the beginning of relations with the rest of the world; that is, China in isolation from our standpoint or China as the whole of the civilized world from her standpoint. Second, the theory in relation to China as the all-embracing state and the various parts of that state whether considered from the standpoint of separate states or of federalism or feudalism, or the theory of the Chou period where we shall find the nearest approach to international law. Third, the theory based on the rules of propriety; that is, relations between the states such as those observed by individuals; filial relations, father to son, brother to brother, younger brother to elder brother, etc. This theory covers China of the Eighteen Provinces and the great Dependencies. To point out this third theory is probably all the consideration we should give this point here where our first interest is the Chou period. It has been difficult for Westerners to see that China considered Korea as essentially part of her empire and yet did not consider it inconsistent that Korea should enter into treaty relations with other countries. China herself, we have pointed out elsewhere, in recent years, entered into a tripartite treaty between China, Mongolia, and Russia, and by this treaty Mongolia is recognized as part of China by all three parties but Mongolia's right to enter into agreement with Russia alone was not questioned by China. That type of international agreement becomes better understood when one comprehends the Chinese thought of the relations between the various parts of her great state being the same as the relations between individuals in the family.

[7] Carus' Lao Tzu's "Canon of Reason and Virtue," Ch. 61.

China, therefore, could consistently give away rights such as she did in granting spheres of interest and influence, and in leasing territory without herself realizing that she had given up sovereignty over those parts of her empire.

Let us turn now to the Chou period.

In treaty-making, "a settlement to be successful must be lasting; it is too late to change an evil settlement once it is made." [8] Chuang Tzu would always condemn advantage-taking in interstate dealings. "If you are always offending others by your superiority you will probably come to grief." [9] Mencius, in showing how to maintain peace and good will with foreign states, urges the necessity of proper relations with outside states and the first rule is to keep peace at home and with those states which are immediately neighboring. As you keep peace with neighbors and friends by treating with reverence those whose age deserves reverence, and as you maintain peace in your own family by keeping the proper relationships, so peace is maintained with states by recognizing these relationships. "You collect your equipments of war, endanger your soldiers and officers, and excite resentment of the other princes . . . you wish to enlarge your territories . . . to rule the Middle Kingdom and to attract to you the barbarous tribes that surround it," said Mencius at one time in speaking of his king, and he advised that this ambitious desire on the part of the king reflected only itself in similar actions on the part of other kings. Then, according to Mencius, the key to proper international relations is the proper regulation of things at home.[10]

The disposal of kingdoms rests with the minds of the people. Vox populi vox dei is a doctrine which Mencius often emphasizes. King Hsuan told Mencius that he has made a complete conquest of Yen and that surely it is the wish of Heaven that he take possession of it, but "if the people of Yen will not be pleased with you taking possession of it then do not do so." [11]

The advice given is not supported on the grounds of mere right and wrong, but on the grounds of common-sense practical politics. Men who see no science of politics but only morality

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[8] Giles' "Chuang Tzu," "Man among Men," p. 48.
[9] Ibid., p. 50.
[10] "Mencius," Bk. I, Pt. I, Ch. 7.
[11] Ibid., Bk. I, Pt. II, Ch. 10.

in the teachings of the Chinese sages forget that much of the basis of Chinese morality is common-sense practicality.

Mencius has pointed out so often that the ultimate power rests with the people that he naturally turns to self-determination, and his reason for so doing is that he believes that the people will have their way anyhow.

"When, with all the strength of your country of ten thousand chariots, you attacked another country of ten thousand chariots and the people brought baskets of rice and vessels of Congee to meet his Majesty's host was there any other reason for this but that they hoped to escape out of fire and water? (Conquerors are welcomed as liberators and deliverers.) If you make the water more deep and the fire more fierce, they will in like manner make another revolution." [12]

Ambition and avarice make for enemies and bring disaster; safety and prosperity are possible only where there is benevolent government. No conqueror can be successful without the support of the people. The wise conqueror or ruler never interferes with the even-running of economic life. "The frequenters of the markets stopped not. The husbandmen made no change in their operations." "While he punished their rulers, he consoled the people." [13] That by no means put the people against him.[14]

"Now the ruler of Yen was tyrannizing over his people, and your majesty went and punished him. The people supposed that you were going to deliver them out of the water and fire, and brought baskets of rice and vessels of Congee to meet your Majesty's host. But you have slain their fathers and elder brothers, and put their sons and younger brothers in

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[12] "Mencius," Bk. I, Pt. II, Ch. 10.

[13] Ibid., Bk. I, Pt. II, Ch. 11.

[14] Machiavelli appreciated the effectiveness of such tactics. A wise ruler, who had had good training in political science, announced during the late war that he and his country were not at war with the people of the enemy country, but with their rulers. Wise generals who had been trained in the science of war saw to it that the people of the enemy country and the common soldiers fighting in the enemy ranks read what the ruler had said. The results are well known. Governments have changed since the day of Mencius but men have not.

In the day of much talk about modern war being a contest between whole peoples, we must not lose sight of the fact that battles will not be won by whole peoples. While objectives may be larger and more men involved, the importance of the individual in those objectives is even greater to-day than ever. The day has passed, especially in training the American soldier, when the individual fights without understanding. He is informed not only of his part but also of the part which his work is to play in the bigger movement. The thoughtful coöperating unit is the aim.

confinement. You have pulled down the ancestral temple of the state, and are removing to Ch'i its precious vessels. How can such a course be deemed proper? The rest of the Kingdom is indeed jealously afraid of the strength of Ch'i; and now, when with a doubled territory you do not put in practice a benevolent government; it is this which sets the arms of the kingdom in motion.

"If your majesty will make haste to issue an ordinance restoring your captives, old and young, stopping the removal of the precious vessels, and saying that after consulting with the people of Yen, you will appoint them a ruler, and withdraw from the country; in this way you may still be able to stop the threatened attack." [15]

Mencius thus supported completely a doctrine which to-day we call "self-determination." Mencius in this one paragraph names the chief causes of revolution and suggests that stable and lasting government may be maintained only when rulers cease to interfere with the people's lives, livelihoods, property, and religion.

Mencius here condemns the tyrant who (1) takes away life, (2) unjustly imprisons and destroys liberty, (3) destroys public property, (4) interferes with religion, and (5) takes private property.

All through Mencius this one idea is repeated time and time again. People will respond happily to benevolent government and will even die for it. Mencius quotes the philosopher Tsang, "Beware, beware, what proceeds from you will return to you again." [16] People will not support a government which does not protect them. They will not fight for officers in the army who do not care for their welfare.

Even in time of war and in time of danger from the outside a prince has more security in his own people if they are united with him than in alliance with more powerful neighbors.

"Duke Wan of Tang asked Mencius, saying, 'Tang is a small Kingdom and lies between Tse and Ts'oo. Shall I serve Tse or shall I serve Ts'oo?' Mencius replied, 'This plan which you propose is beyond me. If you will have me counsel you, there is one thing I can suggest. Dig deeper your moats; build higher your walls; guard them along with your people. In case of attack, be prepared to die in your defence, and have

[15] "Mencius," Bk. I, Pt. II, Ch. 11.
[16] Ibid., Bk. I, Pt. II, Ch. 12.

the people so that they will not leave you:—this is the proper course.'" [17]

"The King Seuen of Ts'e asked, saying 'Is there any way to regulate one's maintenance of intercourse with neighboring Kingdoms?' Mencius replied, 'There is. But it requires a perfectly virtuous prince to be able, with a great country, to serve a small one, as, for instance, T'ang served Ko, and King Wan served the Kwan Barbarians. And it requires a wise prince to be able, with a small country, to serve a large one,—as the King T'ae served the Heun-yuh, and Kowtseen served Woo.'" [18]

Mencius shows us here that the first problem in being able to establish just international relations is one of obtaining a recognition of the idea of equality between states. The large states must restrain themselves and substitute respect for the right of a small state's existence for their own advantage from the standpoint of force. The small states must make an appeal to wisdom. This appeal to wisdom is the first step in the development of international law. Mencius seems to understand that this law will grow faster among small states which must use it to maintain themselves during periods of war where the great states have all the advantage in their use of force. Small states can never assure their continued existence by an appeal to war. We find in Tso's "Commentary" [19] that it was even contrary to law for a small state to have a temple of war; "(a state) dependent upon others to save it from distress cannot establish a character for prowess." A state whose existence is to be preserved by international understanding must observe the spirit of that understanding. A state whose neutrality has been guaranteed by other states would destroy its neutral status by assuming a position or attitude of aggressive war.[20] The best plan of the weak state is to yield to the

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[17] "Mencius," Bk. I, Pt. II, Ch. 13.

[18] Ibid., Bk. I, Pt. II, Ch. 3.

[19] Tso's "Commentary," p. 360.

[20] The practical effect of a neutral state's allowing its territory to be used by a belligerent is well illustrated by the following from Tso's "Commentary." As soon as the Duke of Yu allowed his territory to be used for hostile purposes it ceased to be neutral and he "asked to take the lead in invading Kwoh."

"The marquis accordingly sent Seun Seih to borrow a way through Yu, with this message:—'Formerly, K'e (a small state,) against right and reason, entered your state from Teen-ling, and attacked the three gates of Ming. It suffered for its doing;—all through your Grace. Now Kwoh, against right and reason, has been keeping guards about the travellers' lodges, to make incursions from them into my southern borders,

stronger and trust to its finally recognizing the right of the small state to exist because, even if the large state has committed a wrong and the small state resents it, it cannot ultimately be successful and it merely results in an increase of hatred between the two. "Our best plan is to yield to it; a great state should not be angered." [21]

The first step in establishing a spirit of equality between states is to have respect for agreements entered into. If faith is broken states may depend only on force. "When the army was at K'een, the people of Wei were not maintaining any guard, and Yueh wished to make a dash upon its capital, saying, 'Although we may not be able to enter it, yet we shall bring back many prisoners, and our offence will not be deemed a moral one.' Pih-tsung, however, said 'No, Wei is trusting Ts'in; and therefore, though our army is on the outskirts of the city, it has made no preparations against an attack. If we make a dash upon it we abandon our good faith. Though we should make many prisoners, yet have we lost our faith, how could Ts'in seek the leading of the states?'" [22] "It will not do for even an ordinary man to violate his faith;—the end of it is sure to be death. If they, at this meeting of the ministers of the states, commit a breach of faith, they will not be successful by it. He who is false to his work is sure to suffer for it." [23] "If we do not keep good faith, we are throwing away that by which we effect the submission of the states." [24]

In the following argument over what state should take precedence in presiding over a covenant we see that the idea

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and I venture to beg a right of way from you to ask an account of its offence.' The Duke of Yu granted the request, and even asked to take the lead in invading Kwoh. Kung Che-k'e remonstrated with him, but in vain; and he raised his army for the enterprise" (Tso's "Commentary," p. 136).

This use of neutral territory soon led to a second request for its use in the same way and we learn from the remonstrances of Kung Che-k'e that not only was the sacrifice of a position of neutrality well understood, but also there was knowledge of and appreciation of the worth of a "Buffer State" as a protection to a state's borders.

"The marquis of Tsin again borrowed a way through Yu to attack Kwoh. Kung Che-k'e remonstrated with the duke of Yu, saying, 'Kwoh is the external defence of Yu. If Kwoh perish, Yu is sure to follow it. A way should not be opened to the greed of Tsin; robbers are not to be played with. To do it once was more than enough; and will you do it a second time? The common sayings, "The carriage and its wheel-aids depend on one another," "When the lips perish, the teeth become cold," illustrate the relation between Kwoh and Yu'" (Tso's "Commentary," p. 145).

[21] Tso's "Commentary," p. 692.

[22] Ibid., p. 360.

[23] Ibid., p. 533.

[24] Ibid., p. 533.

of respect for an equality among the states is prominent. "Ts'in and Ts'oo disputed about the precedence at the covenant. On the side of Ts'in they said, 'You have allowed that Ts'in and Ts'oo are peers, if Ts'in always take the precedence, that is a declaration that Ts'oo is weaker than it.'" [25]

In connection with the question of equality of states is the question of jurisdiction. Mencius, in teaching that the right of punishment rests with a state and not with the individual, carries his point further and discusses the idea in relation to international affairs. He denies to states the right of inflicting punishments upon other states, supporting the theory of state equality, and then points out that under the theory of the universal royal government only a minister of the Son of Heaven,[26] who represented all of the states, just as a state represented all the individuals within it, could inflict a punishment on one of the member states within the jurisdiction of the Son of Heaven. Thus Mencius describes the proper working of a federated system, or a system where the various units bend themselves into a league and give faith to respect, as individual members, the will of the whole. This idea carried out logically is the spirit of the jurisdiction of a World Court or of a supreme agency in an organized sisterhood of nations.

"Shin Tung, on his own impulse, asked Mencius, saying, 'May Yen be smitten?' Mencius replied, 'It may. Tsze-Kwae had no right to give Yen to another man, and Tsze-Che had no right to receive Yen from Tsze-Kwae. Suppose there were an officer here, with whom you, Su, were pleased, and that, without informing the King, you were privately to give to him your salary and rank, and suppose that this officer, also without the King's orders, were privately to receive them from you:—would such a transaction be allowable? And where is the difference between the case of Yen and this?'

"The people of Tse smote Yen. Some one asked Mencius, saying, 'Is it really the case that you advised Tse to smite Yen?' He replied, 'No. Shin Tung asked me whether Yen might be smitten, and I answered him, 'It may.' They accordingly went and smote it. If he had asked me—'Who may smite it?' I would have answered him, 'He who is the Minister of Heaven may smite it.' Suppose the case of a

[25] Tso's "Commentary," p. 533.

[26] For the right of the Son of Heaven to send instructions to all the states see Tso's "Commentary," p. 740.

murderer, and the one asks me, 'May this man be put to death?' I will answer him, 'He may.' If he ask me—, 'Who may put him to death?' I will answer him, 'The chief criminal judge may put him to death.' But now with one Yen to smite another Yen:—How should I have advised this?'" [27]

The last sentence of Mencius seems to imply that he thought it impossible to get a super-state with authority to smite one of the states and as he recognized the equality of the states among themselves he could have but one answer if anyone asked if it were proper for one state to smite another.

This idea is mentioned again by Mencius, "'Correction' is when the supreme authority punishes its subjects by force of arms. Hostile states do not correct one another." [28]

Capping ceremonies should be performed within the temple of the first ancestor of the person who is to be capped. When a prince is traveling in another state this ought to be done. But he may go within the jurisdiction of a "brother state" and there the ceremony may be performed.[29]

The equality of states is further emphasized by this declaration, "Good faith is the gem of speech, the essential point of all goodness; and therefore the spirits draw near to it. They in their intelligence do not require adherence to a forced covenant,—it may be broken." [30] "A forced covenant like this might have been disregarded, but King Hwan did not break it." [31]

It is the duty of a small state not only to keep faithful to its agreements, but also to show a respectful attitude to the larger state. We see here the spirit of equality tempered by the theories of filial piety. We see from this that the ancient theory of state equality was much like the same theory to-day; —that is, that the theory is not to be questioned but the rights of the "big brother" states are to be respected, for by them the real balances of power were maintained anciently just as to-day. The following quotation from Tso's "Commentary" will illustrate the point:

"'My small State having received the orders of your great

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[27] "Mencius," Bk. II, Pt. II, Ch. 8.
[28] Ibid., Bk. VII, Pt. II, Ch. 2.
[29] Tso's "Commentary," p. 441.
[30] Ibid., p. 441.
[31] Ibid., p. 91.

State, I dare not but be most careful in my observances. Your lordship has conferred on me a great honour, and nothing could exceed my happiness. The happiness of my small state is from the kindness of your great one.' The marquis also descended the steps, and declined the acknowledgments (which the duke was going to make). They then reascended the steps, when the duke bowed twice, and sang the ode beginning, 'Our admirable, amiable Sovereign' (Shi, III, ii, ode V)." [32]

We have the following in connection with the "big brother" idea of proper relations and attitudes between states:

"When a great State goes to a small one, it rears a high structure. When a small state goes to a great one, it should only construct a booth. I have heard this:—When a great state visits a small one, it should do five good things;—be indulgent to its offences, pardon its errors and failures, relieve its calamities, reward it for its virtues and laws, and teach it where it is deficient. There is thus no pressure on the small state. It cherishes (the great) state's virtue and submits to it, fondly as one goes home. On this account a high structure is reared, to display the merit (of the great state), and to make it known to posterity, that they may not be idle in the cultivation of virtue. When a small state goes to a great one, it has five bad things to do. It must explain its trespasses, beg forgiveness for its deficiencies, perform governmental services, and contribute its proper dues, and attend to its seasonal commands. And not (only so):—it has to double its various offerings, to felicitate (the great state) on its happiness, and show its condolence with it in its misfortunes. Now all these things are the sad fate of a small state. Why should it rear a high structure to display its sad fate? It is enough for it to do that which tells its posterity not to display their sad fate." [33]

The ordinary and customary official intercourse between the states is told by a minister who is himself on an official mission. He protests against newer and harder requirements.

"Formerly, under the presidency of Wan and Seang, they made it their object not to trouble the states (too much), ordering the princes once in three years to send a complimentary

[32] Tso's "Commentary," p. 237.
[33] Ibid., p. 541.

visit, once in five years to appear in person at their court, to meet when there was business (to be done), and to covenant when there were cases of discordant (states to be dealt with). When a ruler died, a great officer (was sent) to present condolences, and a minister to assist at the burial. When a ruler's wife died, a (simple) officer presented condolences, and a great officer attended the funeral. These rules were sufficient to illustrate the ceremonial observances, for orders as to what business was to be done, and to take measures in reference to the shortcomings (of states). Nothing more was required; no extraordinary commands were given. But now, on the death of (this) favorite lady, we must not presume to regulate our services by her rank, but they must be the same as are due to a wife, the keeper (of the harem)." [34]

At the meetings of the various states formal rules were observed and prescribed ceremonies were gone through. Tso mentions six ceremonies for the one who assembles the states and six ceremonies for the states themselves to follow. In the early meetings of the states the wild tribes were also represented.[35]

The smaller states must obey the larger in accordance with the rules of propriety.[36]

The limits of jurisdiction by the bounds of a state are illustrated by an incident related by Confucius and reported in Tso's "Commentary" [37] of a historiographer who failed to save himself from punishment by refusing to cross the borders of his state and by the following:

"When he came to Sung, they detained him there. Hwa Yuen said, 'To pass through our state without asking our permission, is to treat our state as if it were a border of Ts'oo,—is to deal with it as if Sung were not a state. If we put to death its messenger, Ts'oo is sure to invade us, and Sung will perish. In either case Sung ceases to be a state.' Accordingly, Shin Chow was put to death. When the viscount heard of it, he shook down his sleeves and rose from his seat. His shoes were brought to him when he had reached the threshold of his chamber; his sword was brought to him outside the door of the chamber; and his carriage reached him when he had got to the

[34] Tso's Commentary," p. 588.

[35] Ibid., p. 597. See also "Li Ki," p. 229, for a description of the wild tribes and care of them.

[36] Ibid., p. 734.

[37] Ibid., p. 291.

market-place called P'oo-seu. In autumn, in the ninth month, he laid siege to the capital of Sung." [38]

The following is an interesting comment on ancient interstate customs:

"Anciently, when (the army of) a great state was passing by a small city, the rule was that that small city should man its walls and ask what was its offence. Yeh, the viscount of Woo, in (proceeding to) invade Ts'oo, came to Ch'aou, and entered one of its gates, when the gate keeper shot him, so that he returned to the station (of his troops), wounded by an arrow, and died. Although an undertaking be of a civil nature, there should be at the same time military preparation. (The entry) condemns Ch'aou, for not manning its walls and asking what was its offence, (and also) condemns the viscount of Woo for his careless exposure of himself." [39]

Tso calls attention to an ancient rule which is still recognized as binding in modern warfare—the right of messengers who negotiate for peace to pass between the parties unharmed.

"The Chuen says:—In autumn, the earl of Ch'ing went to Ts'in, the people of which, to punish him for his disaffection, and inclining to Ts'oo seized him in T'ung-te. Lwan Shoo then invaded Ch'ing, which sent Pih-keuen to go and obtain peace. The people of Ts'in, however, put him to death, which was contrary to rule;—during hostilities messengers may go and come between the parties. Tsze-ch'ung of Ts'oo made an incursion into Ch'in, in order to relieve Ch'ing." [40]

In the following quotation there are several points of interest in a study of ancient interstate relations: (1) The demand for tribute on the part of the large state on the small and the theory advanced by the small that such a demand must not be excessive, but should be in accordance with the rules of propriety. The proper theory of ancient tribute paying was that it was voluntary and self-imposed and when a great state lost sight of this spirit the tax became excessive.[41] (2) The fact

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[38] Tso's "Commentary," p. 324.

[39] Kuh-Leang's "Commentary," p. 72.

[40] Tso's "Commentary," p. 371.

[41] "We shall not contribute grain; our dukes are guests of Chou; how can such a thing be required of guests?" Yoh-Ta-sin of Sung, Tso's "Commentary," p. 709.

This rule would also apply in cases of indemnity and for reparations. While inland in China I discussed with a consul representing a European government America's return of part of the Boxer Indemnity. The European gentleman insisted that the Chinese would not appreciate the act but would interpret it as a sign of America's

that more than one great state made demands for tribute upon the same small state. (3) If contributions of tribute could range from "11 sets of animals" to "100 sets," in spite of the fact that the "statutes" required only 12 sets of that class of offering, the small states were in actual practice subject to the force of the greater states and the attempted rule of law between the states, which the smaller states were constantly urging, was coming slowly and no faster than the greater states allowed it to come.

"Messengers came from Woo demanding from us a hundred sets of animals. Tsze-fuh made a rule enjoining such contributions; but they said, 'Sung gave us a hundred, and Lu must not be behind Sung. Moreover, Lu gave more than ten to a great officer of Ts'in; is it not proper that the king of Woo should receive 100?' King-pih rejoined, 'Fan Yang of Ts'in was greedy, and threw aside all rules of propriety. He frightened our poor state with his great one, and therefore we gave him 11 sets. If your ruler will require from the states what is enjoined by those rules, there is a definite number laid down. If he will also throw them aside, the demand is excessive. The kings of Chow, according to the statutes, require only 12 of this great class offering considering that to be the great number (indicated by the division) of the heavens. When (your ruler) sets aside the rules of Chow, and says that he must have 100 sets of animals, it is simply the decision of his officers.' The men of Woo would not listen to this remonstrance, and King-pih said, 'Woo will go to ruin, casting away (the rule of) heaven and going against (the example of) its own ancestral House. If we do not give (these animals), it will vent its enmity on us.' Accordingly they gave them." [42]

We must turn to the very beginning of the "Shu King" if we are to point out the first mention of interstate ideas that come into Chinese history.

"Finally, he (Yao) united and harmonized the myriad

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weakness and her inability to force payment. I thought then the gentleman was wrong, and now, in the light of this Chou period doctrine and in the light of China's actual response to America's act, the world knows that he was wrong.

I am not unmindful of the fact that some cynics have suggested that America's act was merely an attempt to buy off a Chinese boycott of American goods. While cynical myself I have felt and hinted at that very thing; but, at the present time, writing, as I am under the influence of the Chinese classics and the doctrines of the Chou period, I cannot be cynical even in thought.

[42] Tso's "Commentary," p. 813.

states of the empire; and lo! the black-haired people were transformed. The result was universal accord." [43]

The fact that the morals of Yao are always stressed, the bringing of the black-haired people to concord is generally understood and taught as meaning that Yao's benevolence was such that he reflected harmony and concord. Of course this interpretation must not be lost sight of, but Yao did bring the "myriad states" of the empire into harmony. The unifying of the states is a political accomplishment and that was after all Yao's great contribution. The unity came by means other than warfare.

In the spirit of my last sentence the following in connection with the Conquest of Meaou should be read:

"At the end of three decades, the people of Meaou continued rebellious against the emperor's commands, when Yih came to the help of Yu, saying, 'It is virtue which moves Heaven; there is no distance to which it does not reach. Pride brings loss, and humility receives increase:—this is the way of Heaven. In the early time of the emperor, when he was living by mount Leih, he went into the field and daily cried with tears to compassionate Heaven, and to his parents, taking to himself and bearing all guilt and evil. At the same time, with respectful service, he appeared before Koo-sow, looking grave and awe-struck, till Koo also became truly transformed by his example. Entire sincerity moves spiritual beings:—how much more will it move this prince of Meaou!' Yu did homage to the excellent words and said, 'Yes.' Thereupon he led back his army, having drawn off the troops. The emperor also set about diffusing his accomplishments and virtue more widely. They danced with shields and feathers between the two staircases of the court. In seventy days the prince of Meaou came to make his submission." [44]

Thus early we see the theory of the failure of war as a means of conquest brought into Chinese thought. The idea of destroying war by war was here questioned. All the facts about this war are not known, but the fact that the theory of peaceful penetration and of conquest by toleration have become ingrained in the Chinese character and have been effective in their history is shown. We can, therefore, without doubt

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[43] "Shu King," "The Canon of Yao," p. 17.
[44] Ibid., "The Counsels of the Great Yu," pp. 65, 66.

assume that we have in the Conquest of Meaou a true Chinese governmental ideal.[45]

There are many cynical references by commentators and translators on this chapter pointing out the fact that the peaceful methods of conquest were turned to only after conquest by warfare had failed. It is always interesting to see a Christian make fun of a heathen when he sees some of his own doctrines actually working successfully when put into practice by the heathen! But it matters not to us whether the theory was sincere or not at its inception. This fact remains: it has been accepted by the Chinese in practice and it has worked and it is still working to-day. China's peaceful penetration into Manchuria and Mongolia to-day stand out in effective contrast to the imperial colonial methods of the Japanese and the Russians.

The uselessness of war persisted in Chinese thought. The following is a striking example taken from the middle Chou period:

"Che Woo-tsze, however said, 'Let us grant Ch'ing a covenant, and then withdraw our armies, in order to wear out the people of Ts'oo. We shall divide our four armies into three, and (with one of them and) the ardent troops of the states, meet the comers:—this will not be distressing to us, while Ts'oo will not be able to endure it. This is still better than fighting. A struggle is not to be maintained by whitening the plains with bones to gratify (our pride). There is no end to such great labour. It is a rule of the former kings that superior men should labour with their minds, and smaller men labour with their strength.'" [46]

By such theories the Chinese were gradually learning the

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[45] The growth of the theory that trust might be put in good faith and argument in the place of military force is interesting to note in reading Chinese history. It does not come suddenly. It seems to have been argued out very simply. And it came as a result of practical thinking that if faith in agreements is not shown there will be a return to the use of force. The theory of nonresistance comes as a sort of discovery and as a result of the various attempts toward maintenance of peace by agreement and covenant-making. I may give one example.

Wan-tsze said to the marquis, "Ts'in is lord of covenants. If any of the states encroach on one another, we punish them, and make them restore the lands they have taken. Now all the cities of Woo Yu are of the kind for which punishment should in this way be inflicted. If we covet them, we are not fit to be lords of covenants. Let them be returned." The duke agreed and said, "Who is proper to be sent on such a mission?" Wan-tsze said, "Seu Leang-tae can execute it without any military force." The duke sent him on the duty" ("Ch'un Ts'iu," p. 528).

[46] Tso's "Commentary," p. 440.

lessons that are necessary to build up a decent comity between states. They were learning lessons which led to better understanding, to the giving and receiving of pledges which are steps toward treaty-making. The time came when a test of this spirit might be tried during a period of peace.

"In winter, there was a scarcity in Ts'in, which sent to Tsin to beg to be allowed to buy grain. They refused in Tsin, but K'ing Ch'ing said, 'To make such a return for Ts'in's favor to us shows a want of relative feeling; to make our grain from the calamity of others shows a want of benevolence; to be greedy is inauspicious; to cherish anger against our neighbours is unrighteous. When we have lost these four virtues, how shall we preserve the states?' Kwoh Yih said, 'When the skin has been lost, where can you place the hair?' Ch'ing replied, 'We are casting away faith, and making a vile return to our neighbour;—in the time of our calamity, who will pity us? Calamity is sure to come where there has been no faith; and without helpers we are sure to perish. Thus it will be with us, acting in this way.' Kwoh Yih said, 'To grant the grain would not lessen Ts'in's resentment, and we should only be kind to our enemy.' 'Him,' said Ch'ing, 'Who is ungrateful for favours, and makes a gain of the calamities of others, the people reject. Even his nearest friends will feel hostile to him; how much more his resentful opponents.' The marquis, however, would not listen to his counsel, and K'ing Ch'ing retired, saying, 'Would that the marquis might repent of this!'" [47]

It took but a little while for this refusal of the marquis to listen to wise counsel to bear fruit. We read further:

"Their army is smaller than ours, but their spirit for fighting is double ours. 'For what reason?' asked the duke. 'When you fled the state,' returned the officer, 'you sought the help of Ts'in; when you entered it again it was by Ts'in's favour; and in your scarcity you ate Ts'in grain. Thrice did you receive Ts'in's benefits, and you made no return for them;—on this account its army is come. Now when we are about to come to blows, we are out of spirit and they are all ardour. To say their spirit is double ours is below the truth.'" [48]

It is interesting to note in passing that the ineffectiveness of war was so impressed upon the minds of some of the early

[47] Tso's "Commentary" pp. 162, 163.
[48] Ibid., p. 168.

thinkers that we find the theory that even a military victory which brings great joy to all the people of a victorious state may not be good for that state. Victory may prove a state's greatest calamity.[49]

Interstate relations began assuming a formal stage at a rather early date. In the eighth century B. C. we find a record of a solemn agreement between the princes and a treaty with the tribes.

"In his ninth year the prince of Shin sent an embassy to the western hordes and to Tsang, and entered into an engagement with them. In his tenth year, in the spring, he made a solemn agreement with the princes in the grand apartment of the ancestral temple." [50]

Before this time many fighting expeditions were noted, but this is the first treaty engagement recorded with the "hordes."

In the thirteenth section of the "Annals of the Bamboo Books," under the heading of King P'ing, we read: "In his 49th year [51] the Duke of Yin and the Duke Chwang of Choo formed an alliance at Koo-mee."

Under the governmental organization of Chou "in the various states there were the minister of instruction, the minister of war, the minister of works; with the many officers subordinate to them."

"Among the wild tribes of the Wei, the Loo, and the Ching; in the three Po; and in the dangerous places; they had wardens." [52]

Not only were regular and formal relations being established with the surrounding tribes but we have early records of an embassy from the south. It is in the record concerning the reception and the conducting home of this embassy that we find mention of the "south-pointing chariots." This embassy of the twelfth century B. C. was received by the great Duke of Chou.

Legge presents the following concerning the great duke and this embassy:

"The Duke of Chou was one of the greatest men whom

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[49] Tso's "Commentary," p. 305.

[50] "Shu King," "Annals of the Bamboo Books," p. 157. This was during King Yew's reign and the ninth year was 780 B. C.

[51] King P'ing's forty-ninth year equals the first year of Duke Yin of Lu, or 769 B. C. It is with this year that Confucius begins his "Spring and Autumn Annals of Lu" (the "Ch'un Ts'iu").

[52] "Shu Kng," "The Establishment of Government," p. 516.

China has produced, and I do not know the statesman of any nation with whom his countrymen need shrink from comparing him. But this is not the place for writing either his history or his eulogium; I only wish, before passing on with the translation of the Shu, to consider the claim which has been advanced for him to the invention of the mariner's compass. Gaubil held that he was versed both in astronomy and geometry, and says expressly that the use of the compass was known to him; (see 'Le Chou-king,' p. 214, note 4.) The common opinion of the Chinese is that not only was the use of the instrument known to him, but that he discovered it. In the chapter on 'Inventions,' . . . or 'Inquiries into ancient things for the use of Learners,' it is said: 'The duke of Chow made the south-pointing chariot, which has come down to us in the form of the mariner's compass.'

"The circumstances under which he is said to have made this instrument may be given first in the narrative of P. de Mailla, in his 'Histoire Générale de la Chine,' pp. 316–318. When I subjoin the sources of his narrative, the reader will see how the history has been compiled, and whether we can put faith in the things related. P. de Mailla says:—'This same sixth year of his reign, king Ching, after having established his different officers, received the news that the ambassadors of a foreign kingdom, called Yue-tchang-tchi, were come to bring him presents and do him homage. This kingdom, situated to the south of the country of Kiao-tchi or Cochin-china, had never sent anybody to China. The emperor gave orders that the ambassadors should be conducted to the court, and that great honours should everywhere be paid to them. This prince (? the king, or the duke of Chow) received them very well, treated them with distinction, and accepted their presents, among which was a white pheasant,—a species heretofore unknown; after which he made the inquiry be put to them on what business they had come. They replied by interpreters, that the elders of their country said loudly, that for three years they had had neither winds nor tempest, no unseasonable rains nor great waves of the sea, and that there must be some special cause for such favour of Heaven; that apparently the throne of China was occupied by a sage emperor, who had procured for them these benefits.

"'After that, the duke conducted them to the ancestral temple of the reigning family, where he caused to be displayed

on the one side the presents which they had brought, and on the other those which king Ching was sending to their prince. Among these were five chariots of a new invention. They accommodated the travellers, and indicated at the same time the route which they kept, by means of a small box, made in the form of a pavilion or dome, suspended from the roof, in which was a hand that always pointed to the south, to whatever side the chariots might turn. It was on this account that they were called Tchi-nan-tshe, or the chariot of the south. This machine was very useful to the envoys of Yue-tchang-tchi, for when they were arrived at the kingdom of Founan-lin, on the borders of the sea, they took to some barques, and by means of this compass they needed only one year to return to their own kingdom.'

"Now, the Shu does not contain, and never contained, any account of this embassy from Cochin-china, and I have searched in vain for any mention of it in Sze-ma Ts'een. The earliest mention of it is in Fuh-shang's 'Introduction to the Shu.' His account is the following: 'In the sixth year of the duke of Chow's regency, he framed the ceremonial and official statutes of the dynasty, and made its music. The whole empire became harmonious and tranquil. At that time, ambassadors came from Yue-chang, with three elephants, and interpreters speaking nine languages, and presented a white pheasant. King Ching put them in the hands of the duke of Chow, who said, "Where the benefits of his virtue have not been experienced the superior man declines to receive gifts; and a sovereign does not acknowledge as his subjects those to whom he has not issued the orders of his government;—on what ground is it that this offering comes to us?" The ambassadors begged to say, "We come by the command of the elders of our kingdom." They said, "For a long time there have been no unusual winds nor unseasonable rains in the sky. Is it not likely that there is a sagely man in the middle kingdom? Why should you not go and pay homage at his court?" On this the duke of Chow presented them in the ancestral temple.'

"It will be observed that in this account no mention is made of the 'south-pointing chariots.'

"We come to Han Ying, not much later than Fuh-shang. In his 'Introduction to the Shi King,' composed about the middle of the second century B. C., we have substantially the

same account of the embassy from Yue-chang, but with certain marvels which preceded it. He says:—'In the time of King Ching, three stalks of grain grew through a mulberry tree and came out in one flowering head, which was almost large enough to fill a cart, and long enough to fill the box of it. The king said to the duke of Chow, "What is this thing?" The duke replied, "Three stalks growing into one head probably betoken that the empire is now at length becoming one." Sure enough, three years after, the ruler of Yue-chang sent an embassy with interpreters speaking nine different languages, which presented a white pheasant to the duke of Chow. The interpreters were necessary, because the distance was very great, with dark and deep mountains and rivers, so that the ambassadors might not be understood. The duke of Chow asked to what they were indebted for the offerings, when the interpreters said, "We received the command from the gray-haired men of our kingdom, who said, 'For long, even for three years, we have had neither violent winds nor disastrous rains, nor storms on the sea. We may believe that there is a sage in the middle kingdom; why not go and present yourselves at his court?' This is the reason we are come.'"

"I do not find this account in the Introduction of Han Ying, as it is now generally edited; but it is quoted continually in illustration of the embassy from Yue-chang;—(see the 'Life of the Duke of Chow'). There seems to be no reason to doubt its having come from Han Ying; but it will be seen that neither does he make any mention of the 'south-pointing chariots.'

"The earliest authority that I have found for connecting the duke of Chow and the embassy from Cochin-china with these chariots is a Work of the Tsin dynasty, the writer of which, after giving his opinion that the invention was due to Hwang-ti about 1,500 years anterior to the Chow dynasty! adds that Hang Keen of the 'After Han,' attributed it to the Duke of Chow. We read:—'The duke having produced by his government a state of great tranquillity, the people of Yue-chang came with interpreters speaking different languages, and presented one white pheasant, two black pheasants, and the tusk of an elephant. The ambassadors being astray as to their road back, the duke gave them two pieces of ornamented and embroidered silk, and five light carriages, all made on the pattern of pointing to the south. The ambassadors were

conveyed in these to the south, as far as the city Lin (probably the pres. Kwen-lin, metrop. of Kwang-se) of Foo-nan near the sea, so that in a year they reached their own country, etc.'

"My readers will probably be disposed with me to set down the embassy from Yue-chang as a mere legend, and the claim of the duke of Chow to be the inventor of the 'south-pointing chariot' as nothing better.

"It is attributed to him under different circumstances in a fragment of the Works of 'The hero of Demon valley,' a Taoist charlatan, somewhat later than Mencius, towards the end of the Chow dynasty. What he says, is that 'the prince of Shu-shin presented a white pheasant to king Wan. There being a fear lest he should lose his way on his return home, the duke of Chow made the south-pointing chariot to conduct him safely.'

"Now, the Book of the Shu which immediately followed the 'Officers of Chow' was about the chief of Suh-shin; but the presumption from the prefatory notice is that it did not contain anything about the duke of Chow. It related, moreover, to a visit from that chief to king Ching and not to king Wan.

"Allusion has been made to the account which carries back the making of the south-pointing chariot to Hwang-ti, more than 2,600 years before Christ. This is given by Sze-ma-Ts'een.—Hwang-ti was operating to put down a rebellious chief, called Ch'e-yew, who frustrated his measures for a time by enveloping the armies in clouds of mist, so that the emperor's men could not tell their position. Against this magical contrivance, Hwang-ti made the chariots in question, and succeeded in taking the rebel alive. Later narrators ascribe the chariots to Hwang-ti's empress; and there have been those who, forgetting the claims both of Hwang-ti and the duke of Chow, have ascribed them to Kwan Chung, the chief counsellor of the duke Hwan of Ts'e, in the seventh century B. C.

"The general opinion among the Chinese, therefore, that the duke of Chow made the 'south-pointing chariot,' cannot be received as resting on a historical foundation. The 'south-pointing chariot' altogether may be called in question. The accounts of its construction as being drawn by four horses, with the wooden figure of a genius on the roof, are all fabulous. It would be hard to say that the mariner's compass was the child of this chariot. The truth, I imagine, is this, that the

Chinese got some knowledge of the compass—found it out themselves, or learned it from India—not long before the Christian era, and that then the fables about the making of south-pointing chariots in more ancient times were invented." [53]

I have considered it worth both the time and the space to make this long quotation from Legge and the authorities he quotes not because of the interest in the "south-pointing chariots" which was, of course, Legge's chief interest, but because the quotation gives us a number of early records of a famous embassy. There is no reason for considering the whole story a myth.

With the growth of embassies came the development of ideas in regard to the ambassador. The rules of propriety for the actions of the legate were tempered with the advice of Confucius that "if you visit a foreign state, ask what the prohibitions are; if you go into a strange neighborhood, inquire what the manners and customs are." [54] And Lao Tzu's statement that "ceremonies are but the veneer of loyalty and good faith." As the rules of propriety made for proper conduct within the states, so they became the test of what was proper in relations and courtesies between states.[55] With the closer interstate organizations, such as alliances and leagues, came a greater regularity in the despatching and receiving of ambassadors first to states near by and then to states more remote,[56] and the internuncius became an established institution, with orders and ranks.[57] "In their relation to the Son of Heaven, the feudal princes were required to send every year a minor mission to the court, and every three years a greater mission; once in five years they had to appear there in person." [58] The various grades of diplomatic meetings were also designated in different ways. "When feudal princes see one another at a place and time not agreed on beforehand, the interview is called 'a meeting.' When they do so in some open place agreed on beforehand, it is called 'an assembly.' When a prince sends a great officer to ask about another it is called a 'message of friendly inquiry.' When there is a bend-

[53] "Shu King," Legge's "Notes," p. 535.

[54] "Li Ki," p. 63. "In discharging a mission to another state its customs are to be observed."

[55] Tso's "Commentary," pp. 565–567.

[56] Ibid., p. 609.

[57] Ibid., p. 523; "Li Ki," "Royal Regulations," p. 211.

[58] "Li Ki," "The Royal Regulations," p. 216.

ing to mutual faith, it is called 'a solemn declaration.' When they use a victim, it is called 'a covenant.'" [59]

The following illustrates well the fact that precedence, rank, and formal arrangements in interstate deliberations were highly respected during the middle period of the Chou dynasty. The quotation is one of Tso's comments on the fourteenth year of Duke Gae (B. C. 481).

"The people of Woo wanted to go with the duke and present him to the marquis of Tsin, but Tsze-fuh King-pih replied to their messenger, "When the king assembles the States, the leading prince conducts the other princes and pastors to present them to him. When a leading prince assembles the States then the marquis leads the viscounts and barons and presents them to him. From the king down, the symbols of jade and offerings of silk at the court and complimentary visits to other States are different. Hence the contributions of our poor States to Woo are larger (now) than to Tsin, embracing everything, because we consider (the lord of Woo) to be the leading prince. The States are now assembled, and your ruler wishes to present ours to the ruler of Tsin, whose position as the ruling prince will thus be settled. Our State must change its contributions. The levies with which Loo follows Woo are 800 chariots. If our ruler be reduced to the rank of a viscount or baron, then he will follow Woo with half the levies of Choo, and do service to Tsin with (an amount equal to) the whole levies of Choo. Moreover, your officers, called the States to this meeting by the authority of the leading princes; if you end it by taking the position of a marquisate, what advantage have you?" [60]

The following ideas which have contributed to the theories of international law in the West became definitely recognized in the practice of the interstate relations in ancient China:

(1) An envoy was entitled to certain exemptions in case of arrest and certain privileges in case of trial.

"The words of the text are, 'The people of Tsin seized our internuncius, Shuh-sun Shay,' because he was commissioner (from the State).

"The people of Tsin required him to argue the matter on trial along with a great officer of Choo; but Shuh-sun said, 'It is the old rule of Chow, that the minister of one of the

[59] "Li Ki," "The Khu Li," pp. 111, 112.
[60] Tso's "Commentary," p. 832.

regular States should rank with the ruler of a small State. Choo, moreover, is one of the E. Tsze-fuh is here, commissioned by my ruler as my assistant. I beg that you will let him be confronted with (the officer of Choo), for I do not dare to disallow the rule of Chow.' Accordingly, he would not be put upon his trial." [61]

(2) An ambassador who broke the rules of his office while on an official mission was not entitled to exemption and should be punished.

"Fan Heen-tsze said to the marquis of Tsin, 'He crossed the borders of his State, charged with the orders of his ruler, but before discharging his commission, he had accepted a private invitation to drink, thus acting disrespectfully both to his own ruler and to you. He should not be left unpunished.' Accordingly Yoh K'e was seized." [62]

(3) The right of asylum became an established rule. The "Ch'un Ts'iu," under the fourth year of Duke Gae, says: "An officer of Tsin seized Ch'ih, viscount of the Men Jung, and sent him to Ts'oo." [63]

Legge's note on this section is as follows:

"The act of Tsin in this matter is held to have been disgraceful to it. The right of asylum for refugees seems to have been accorded by the States to one another; and one which had played such a part as Tsin ought to have maintained it with peculiar jealousy." [64]

(4) A minister may not leave his ruler's state without permission.

"Shuh-sun Tae-pih was marrying a lady of Mow. As a minister could not leave the State without his ruler's orders, he therefore received the duke's command to go to Mow with friendly inquiries, and took the opportunity to meet his bride, and bring her to Loo." [65]

(5) The theory that strong, orderly, and stable states may step in and maintain order in the weaker states became early recognized, not only as a right from the standpoint of interstate relations but also as a duty on the part of the strong state in seeing that disorder does not spread. "Take the States from the disorderly, deal summarily with those that are going

[61] Tso's "Commentary," p. 698.
[62] Ibid., p. 763.
[63] "Ch'un Ts'iu," "Duke Gae," p. 804.
[64] Ibid., Legge's "Notes," p. 804.
[65] Tso's "Commentary," p. 145.

to ruin, absorb the weak." [66] "To absorb weak states and attach those that are wilfully blind, is a good rule of war." The real excuse for such a doctrine rested in the assumption that "the noble have a defined standard of honor; the mean have to comport themselves according to different degrees." [67] This theory led naturally to a condition which the history of the period confirms that the weaker states oscillated between the greater ones and especially between the two most powerful, Ts'oo and Ts'in, making covenants with them and breaking them as soon as it was thought advantageous to do so. In the "Ch'un Ts'iu" in the first paragraph under the third year of Duke Ch'ing we read:

"In his third year, in spring, in the King's first month, the Duke joined the marquis of Tsin, the Duke of Sang, the marquis of Wei, and the earl of Ts'aou, in invading Ch'ing." [68]

This paragraph shows Lu, Sung, Wei, and Ts'aou, at the summons of Ts'in banded together and invading Ch'ing while shortly before they all met and entered into a covenant at Shuh in which the leadership of Ts'oo was acknowledged by all and Ch'ing was then a fellow covenanter with them in that treaty.

(6) Diplomatic rank became recognized in carrying on negotiations.

"'The station of Chung-Hang Pih (Seun Kang) in Tsin is that of a minister of the third degree, while Sun Tze is in Wei its minister is of the first degree. With which shall I covenant first?' Seuen-shuh replied, 'A minister of the first degree in a second rate state corresponds to one of the second degree in a great state; its second degree corresponds to the great state's third; and its third degree to the great state's great officers of the highest class. In a small state, the minister of the first degree corresponds to a great state's of the lowest;

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[66] Tso's "Commentary," pp. 317–467.

[67] Ibid., pp. 317, 467. "The historiographer Yih said, 'Add stability to the heavy.' Chung-hwuy said, 'Deal summarily with States that are going to ruin, and take their States from the disorderly. To overthrow the perishing and strengthen what is being preserved, is the way in which to administer a State.' Let your lordship now settle Wei, and wait the time (for a different course)." It should be noted in passing that the above sentiments were expressed by one member of a conference which was composed of representatives of different states being called together for the purpose of discussing the "affairs of Wei." This conference was of such importance that Confucius mentioned it as an event of the fourteenth year of Duke Seang ("Ch'un Ts'iu," p. 463), and he points out that officers representing seven states were present.

[68] "Ch'un Ts'iu," p. 351.

the second degree of the great state's highest class of great officers, and the third degree to the second class. There are the relations of high and low (as concerns ministers and great officers), fixed by ancient rule. Now Wei, as compared with Tsin, cannot be regarded as a state of the second degree; and Tsin is the lord of covenants;—give precedence to it! Accordingly on Ping-Woo a covenant was made with Tsin, and on Ting-we, with Wei,—which was right.'" [69]

(7) We find alliances, leagues, a classification of states according to their respective power and rank and also according to their position in relation to other states. We find in the "attached state" of the Chou period a state which has about the same status as a protectorate to-day.[70]

(8) In the following quotation from an agreement entered into in the 11th year of Duke Seang (B. C. 561) we find references in regard to trade, promises not to protect traitors nor to shelter criminals, which infer arrangements for extradition, and agreements to aid one another in times of distress; also a declaration of loyalty to the Son of Heaven and an appeal to the gods to destroy the covenant breaker.[71]

"All we who covenant together agree not to hoard up the produce of good years, not shut one another out from advantages (that we possess), not to protect traitors, not to shelter criminals. We agree to aid one another in disasters and calamities, to have compassion on one another in seasons of misfortune and disorder, to cherish the same likings and dislikings, to support and encourage the royal House. Should any prince break these engagements, may He who watches over men's sincerity and He who watches over covenants, (the Spirits of) the famous hills and (of) the famous streams, the kings and dukes our predecessors, the whole host of Spirits, and all who are sacrificed to, the ancestors of our 12 (?13) States with their 7 surnames;—may all these intelligent Spirits destroy him, so that he shall lose his people, his appointment pass from him, his family perish and his State be utterly overthrown!"

(9) We have the following record of an offensive alliance. Confucius records it in this way: "In winter, in the eleventh

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[69] Tso's "Commentary," p. 353.
[70] Ibid., p. 816.
[71] Ibid., p. 453.

month, (many of) the states made a covenant at Hoo." [72] Tso explains the purpose of the covenant as follows:

"In winter, in the 11th month, the marquis of Tsin, the duke of Sung, the marquis of Wei, the marquis of Ts'ae, the marquis of Ch'in, the earl of Ch'ing, the baron of Heu, and the earl of Ts'aou made a covenant at Hoo, renewing that at Sin-shing, and to consult about invading Ts'e." [73]

(10) It is interesting to note that ancient China was backward in regard to formulating rules in relation to interstate waters.

"Pih Kwei said, 'My management of the water is superior to that of Yu.' Mencius replied, 'You are wrong, Sir. Yu's regulation of the waters was according to the laws of water. He therefore made the four seas their receptacle, while you make the neighboring states their receptacle.' " [74]

Pih Kwei saved his own state by turning the flood waters into neighboring states!

We may now turn to theories in regard to war, diplomacy, and the proper attitude which a state should assume in maintaining relations with other states.

Mencius condemns wars of conquest,[75] and opposes alliances for carrying on war.[76] As a means of promoting friendly relations he pointed to earlier agreements that there should be no crooked embankments which would withdraw the water from one state and give it to another or inundate a neighboring state during flood times, and that there should be no restrictions put upon the sale of grain. Such practice was better than what was done in his day.[77] He held that even import duties interfered with the best relations between states and he was, therefore, opposed to them.[78]

Two rules for both diplomacy and war, one in striking contrast to the crafty Roman policy of "divide et impera," "when an army has right on its side, it is strong; when the expedition is wrong the army is weary and weak;" [79] and another which while it does not resemble it has behind it much

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[72] "Ch'un Ts'iu," "Duke Wan," p. 270.
[73] Tso's "Commentary," p. 272.
[74] "Mencius," Bk. VI, Pt. II, Ch. 11.
[75] Ibid., Bk. VI, Pt. II, Ch. 8.
[76] Ibid., Bk. VI, Pt. II, Ch. 9.
[77] Ibid., Bk. VI, Pt. II, Ch. 7.
[78] Ibid., Bk. II, Pt. I, Ch. 5.
[79] Tso's "Commentary," p. 318.

of the Roman spirit. "Anticipate your enemy and you take away his heart." [80]

We find repeated in relation to interstate affairs a theory which all Orientals have known and practiced in regard to taxation, that a poor state or the appearance of poverty in the state is a good defense against ambitious conquerors. "Keu is a poor state, lying among the wild tribes of the east; who will think of taking any measures against me?" [81] This was said by the Viscount of Keu to the Duke of Shin, who had asked leave to pass through his state in reply to the duke's remark that the wall around Keu's capital city was in bad condition. The Duke of Shin, not satisfied with the Viscount of Keu's stand, continued:

"Crafty men there are who think of enlarging its boundaries for the advantage of the altars of their state;—what state is there which has not such men? It is thus that there are so many large states. Some think (there may be such dangers); some let things take their course. But a brave man keeps the leaves of his door shut;—how much more should a state do it?"

Tso records the result of this indifference toward preparation on Keu's part as follows:

"The army of Ts'oo then laid siege to the city of Keu, whose walls were in the same condition as those of K'eu-k'ew; and on Kang-shin the people dispersed. Ts'oo went on to enter Yun, for Keu had made no preparations against an enemy. A superior man will say, 'To trust to one's insignificance and make no preparations against danger is the greatest of offences; while to prepare beforehand against what may not be foreseen is the greatest of excellences.' Keu trusted to its insignificance, and did not repair its walls, so that in the course of twelve days, Ts'oo subdued its three chief cities. This result was all from the want of preparation." [82]

The theory that a small state was justified in taking advantage of a large one while the large state was beset with troubles was condemned. The reason for opposing this type of advantage taking was not only a moral, but a practical, one. It was pointed out that when peace was restored the larger state would not forget the action of the smaller one and it

[80] Tso's "Commentary," p. 319.
[81] Ibid., p. 367.
[82] Ibid., p. 371.

would surely have to bear the blame and suffer the consequences.[83]

A clear distinction was made between the fall of a government and what the ancient Chinese called, "the extinction of a state." The "extinction of a state" meant the destruction of the ruling house, the abolition of its sacrifices, and the absorption of the people and the territory by another power. The first account of an extinction of a state is recorded by Confucius in the tenth year of Duke Chwang in the "Ch'un Ts'iu"[84] (B. C. 683).

The following quotation shows us that the above definition of the extinction of a state was well understood and in relation to this it is interesting to read what constituted the sure foundations of a state.

"No, Lu still holds fast to the rules of Chou, and these are a sure foundation for a state. I have heard the saying, that when a state is about to perish its root must first be destroyed, and then the destruction of the branches and the leaves will follow. While Lu doesn't abandon the rules of Chou, it will not be possible to move it. Let it be the object of your grace to quiet the troubles of Lu, and be friendly to it. To be friendly with states that observe the rules of propriety; to help those that have in them the elements of solidity and strength; to complete the separation of those that are divided and disaffected; and to overthrow those that are full of disorder and confusion;—these are the methods by which a prince with the functions of president among the states proceeds."[85]

The rulers of the states were bound in their actions by rules of propriety which we see from the following quotation had almost the force of a constitutional requirement:

"When the duke was taking this step, which was contrary to rule, Ts'aou Kwei remonstrated with him, saying, 'Do not go. The rules of ceremony are all designed for the right adjustment of the people. Hence there are meetings of the princes (at the royal court), to inculcate the duties severally incumbent

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[83] Tso's "Commentary," p. 502. The Chinese accepted the above rule as a moral, or what Rousseau might call a "law of history," One cannot refrain from wondering in the light of this moral what the future position of Japan may be when her two powerful neighbors, Russia and China, cease to be harassed by the troubles which have made it possible for Japan, the small country, to gain her present position of leadership in the Far East.

[84] "Ch'un Ts'iu," p. 85; Tso's "Commentary" and Legge's "Notes," p. 87.

[85] Tso's "Commentary," p. 125.

on the high and low, and to lay down the amount of contributions which are to be severally made. There are court visits, to rectify the true position of the different ranks of nobility, and to arrange the order of the young and the old. There are punitive expeditions, to punish the disobedient. The princes have their services on the king's behalf, and the king has his tours of inspection among the princes;—when those meetings and visits are observed on a grand scale. Excepting on such occasions, a prince does not move from his own state. The ruler's movements must be written down. If there be written concerning you what was not according to the laws, how will your descendants look at it?'" [86]

We obtain further knowledge of the duties of the president of the states from the following:

"The king sent Leaou, earl of Shaou, to convey to the marquis of Ts'e his appointment of him to the presidency of the states, and to ask him to attack Wei, because the marquis of it had raised Tsze-t'uy to the throne." [87]

"The army of Tse, the army of Sung, and the army of Ts'ao walled the new capital of Hing." [88] On this paragraph Tso comments: "The princes walled the city of Hing, thus relieving it in its distress. It was the rule of the president of the princes to relieve the distressed, to distribute the necessities in times of calamity, and to punish offending states." [89] In speaking of this event Kaou K'ang of the Sung dynasty [90] observed, "The marquis of Tse was dilatory at first in relieving Hing;—that was his fault. Finally he did succour it;—that was his merit. The sage does not conceal his fault on the grounds of his merit, nor does he conceal his merit because of his fault;—this is royal law." [91] Surely we have here theory on governmental morality. By applying the rules of propriety to interstate affairs was there not an attempt at interstate morality? Such a thought probably leads us to a concept in the art of government or in political science much ahead of its time.

Following is an interesting case where vicarious punishment is suggested in settling a matter of difference between states.

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[86] Tso's "Commentary," p. 105. In passing it should be noted that we have preserved for us here a description of ancient Chinese feudalism.

[87] Ibid., p. 112.

[88] "Ch'un Ts'iu," "Duke He," p. 133.

[89] Tso's "Commentary," p. 134.

[90] Sung Dynasty, 960–1279 A. D.

[91] "Ch'un Ts'iu," Legge's "Notes," p. 134.

"In consequence of the covenant at Ts'ing K'ew, Tsin sent to demand from Wei an account of its relieving Ch'in. The messenger would not go away, and said, 'If the offense be not laid on someone, my mission will be followed up by an army of attack.' K'ung Tah said, 'If it will be of advantage to the state, please lay the blame on me. The ground of criminating me lies in the fact that from me proceeded the movement which has excited the great state to demand reparation. I will die for the matter.'" [92]

We may now turn to what must be considered the outstanding struggle of the whole Chou period when viewed in the light of the interest in modern political theories of interstate organization. It was a struggle to do away with war and at the same time to preserve separate political units. The struggle was brought about by those who wanted a less destructive way than war to settle interstate disputes. This movement brought forth ideas ranging from family compacts to overcome feudal feuds to a suggested League of Nations consisting of fourteen states. The organization of the League was effected; it was accepted by most of the states, but it was finally rejected on the grounds that it was a dream of an idealist and therefore impracticable. Before the time of the suggested League, peace, or rather a working relationship between states, had been maintained by a nearly equal balance of power between the two strongest military states; and as the League suggested doing away with this military balance of power, it was a scheme which practical statesmen thought ought to be rejected and which they actually did reject. In other words, it was pointed out that the only safe and sure peace between states was that guaranteed by balanced military powers. Several hundred years after that time when unity came to China and the separate states were made one, it was a forced unity, the security of which rested upon a military organization and a complete destruction of all political theory which might be antagonistic to the unifying machine.

Before considering the proposed League of Fourteen States our attention may properly be directed to other interstate arrangements from the consideration of which we may appreciate the range of the interstate agreements.

If we turn to Confucius' "Ch'un Ts'iu" we will note that almost every year of this record which covers about three

[92] Tso's "Commentary," p. 322.

centuries (722 to 468 B. C.) and the reigns of twelve dukes of the state of Lu, we have some record of a ruler of one state entering into an agreement of some sort with a ruler or rulers of other states. Treaties between feudal lords and wars carried on by allies bound by covenants are almost constantly found in the record. All the theories incident to feudal rivalry, devotion to lord, scheming and counter scheming, family feud, ambitious personal rule, assassination, and sacrifice may be read. The states killed their unfaithful servants and rewarded their faithful ones. There were knights, ladies, chivalry, and romance, undoubtedly; but those things were only hinted at. The following type of story is not overlooked:

"The duke of Sung being ill, his eldest son by his recognized wife, Tsze-foo, earnestly entreated him saying, 'My brother, Muh-e, is older than I, and is entirely virtuous. Do make him your successor.' The duke gave charge to Muh-e that so it should be, but he refused, saying, 'What greater virtue could there be than for him thus to decline the dignity of the state? I am not equal to him. And, moreover, the thing itself would not be in accordance with what is right.' With this he ran out of the duke's presence." [93]

By the fifteenth year of Duke Chwang (B. C. 678) there is a record that shows that the rulers of the various states were striving for leadership among the states and one was recognized as such.[94] By 649 B. C. we find the covenant of friendship where "all we who have united in this covenant shall hereafter banish everything contrary to good relations among us." [95] By 637 B. C. theory in regard to leadership within the covenanted group had developed to the place where it was realized that "a small state is sure to bring calamity on itself by striving for the power of commanding covenants." [96] And by 596 B. C. we find the officers of the great states for the first time covenanting together about the affairs of their states. They agree to "compassionate states which were in distress, and punish those that were disaffected." We also get a hint of the outcome of this covenant in these words, "The names of the ministers are not recorded, because they did not make their words good." [97] In 585 B. C. we find the following hint at arbitration suggested

[93] Tso's "Commentary," p. 152.
[94] Ibid., p. 93.
[95] Ibid., p. 154.
[96] Ibid., p. 180.
[97] Legge's "Notes," p. 321, quotations based on the K'ang-he editors and Tso-she.

in the settlement of one of the disputes as a result of the invasion of Heu by the Earl of Ch'ing.[98]

"Tsze-fan of Ts'oo then came to the relief of Ch'ing; and the earl of Ch'ing and the baron of Hew sued each other (before him), Hwang Seuh pleading the case of the earl. Tsze-fan could not determine the matter in dispute, and said, 'If you two princes will go before my ruler, then he and some of his ministers will hear together what you want to prove, and the merits of your case can be known. If you will not do so, then I do not feel myself able to ascertain the merits of it.'" [99]

By 600 B. C. the formation of small groups of states into an organization generally presided over by a ruler of the strongest state in the group had become a well established institution. This presiding office was spoken of as the "Presidency of the Covenants" or the "Presidency of the States." This position carried with it certain responsibilities and privileges and was greatly sought after by men of ambition and by rival states. The presidency carried with it the responsibility of command. "Tsze-shuh shing-fih went to Tsin (whose ruler was the president of one group of states) and got orders for Lu to invade Sung." [1]

The president had to conduct himself and the affairs of the states so that there would not be a loss of trust between them. The League was for the benefit of all the states and not merely to insure the strong to hold their power. The president sat as a judge of disputes between states. The following illustrates the spirit of the organizers:

"After the battle of Gan, Tsin had required Ts'e to restore to Loo the lands of Wanyang, and Loo had taken possession of them, as related, but now, to gratify Ts'e, Tsin exerts its authority and obliges Loo to restore the territory to it. Tso says: 'On this occasion, Ke Wan-tsae made a feast to Han Ch'uen on the way, as he was leaving, and then privately said to him, "Your great state, by its righteous decisions, maintains its claim to preside over covenants; and on this account the (other) states cherish its favours and dread its punishments, without any thought of disaffection. As to the lands of Wanyang, they were an old possession of our poor state, and after

[98] "Ch'un Ts'iu," "Duke Ch'ing," p. 354.
[99] Tso's "Commentary," p. 355.
[1] Ibid., p. 360.

the expedition against Ts'e you caused it to restore them to us. Now you give a different command, requiring us to restore them to Ts'e. Good faith in the doing what is right, and righteousness in the carrying out its orders:—these are what the small states hope (from Tsin), and for these they cherish it. But if your good faith is not to be seen, and your righteousness is not to be found, which, of all the states, will not separate from you? The ode (Shi, I, vi, ode IV, 4) says:

> I am not different,
> But you are double in your ways.
> It is you, Sir, who observe not the perfect rule,
> Thus changeable in your conduct."

Here in the space of 7 years, you give us (Wan-yang) and you take it away;—what greater changeableness could there be? The gentleman (in the ode), by his changeableness, lost (the affections of) his wife; what must not the prince who assumes to be the leader of the states lose? He is to employ the influence of virtue; but when he changes about, how can he long retain (the attachment of) the States? The ode (Shi, III, ii, ode X, 1) says:

> Your plans do not reach far,
> And therefore I strongly admonish you.

"'Apprehensive lest Tsin, by the want of a far-reaching foresight, should lose the states, I have ventured privately thus to speak to you.'" [2]

The position of the state where the presidency rested was one of concern. "When the highest state offers no condolence, what one is not liable to similar injury?" [3] Politically the chief duty was to maintain the balance of power between the states. The following makes vivid this point. The "Ch'un Ts'iu," under the seventh year of Duke Ch'ing (B. C. 583), made record of the state of Woo's successful attack upon a city of Ts'oo. Woo thereby became an enemy of Ts'oo and upset the balance. Tso records the results as follows:

"After the siege of (the capital of) Sung by Ts'oo (in the 14th year of duke Seuen), when the army returned, Tsze-Chung requested that he might receive certain lands of Shin and Leu as his reward, to which the king consented. Woo-shin, duke of Shin, however, represented the impropriety of the

[2] Tso's "Commentary" and Legge's "Notes," p. 366.
[3] Tso's "Commentary," p. 363,

grant, saying, 'It is these lands which make Shin and Leu the States they are. From them they derive the levies with which they withstand the states of the north. Take them away, and there will be no Shin and Leu. Tsin and Ch'ing are sure to come as far as the Han.' On this the king gave up all thought of the partition, but the resentment of Tsze-Ch'ung against Woo-shin was excited." [4]

From the following the purpose of these small leagues of states may be gathered:

"Because of the restoration of the lands of Wan-yang all the States became disaffected to Tsin. The people of Tsin were afraid, and called a meeting at P'oo to renew the covenant of Ma-ling. Ke Wan-tsze said to Fan Wan-tsze, 'Since your virtue is not strong, of what use is the renewal of covenants?' The other replied, 'By diligence in encouraging (the States), by generosity in our treatment of them, by firm strength in withstanding (our enemies), by appealing to the intelligent Spirits to bind (our agreements), by gently dealing with those who submit, and by punishing the disaffected, we exhibit an influence only second to that of virtue.' At this meeting it was intended that Woo should for the first time meet (with the other States); but no officer from Woo came to it." [5]

In connection with these early leagues, in 577 B. C., we have a record of an offensive and defensive alliance between what were, up to that time, the rival states of Tsin and Ts'oo. The record of this ancient document with its interesting provisions cannot but help to impress one with the great advance made during the Chou period in treaty making.

"Hwa Yuen of Sung having succeeded in cementing the peace between Tsin and Ts'oo (See the 2d Chuen at the end of last year), this summer, in the 5th month, Sze Sech of Tsin had a meeting with the Kung-tsze P'e of Ts'oo and Heu Yen. They made a covenant on Kwei-hae outside the west gate of (the capital of) Sung, to the following effect: 'Ts'oo and Tsin shall not go to war with each other. They shall have common likings and dislikings. They shall together compassionate States that are in calamity and peril, and be ready to relieve such as are unfortunate. Tsin shall attack any that would injure Ts'oo, and Ts'oo any that would injure Tsin. Their roads shall be open to messengers that wish to pass with their

[4] Tso's "Commentary," p. 363.
[5] Ibid., p. 370.

offerings from the one to the other. They shall take measures against the disaffected, and punish those who do not appear in the royal court. Whoever shall violate this covenant, may the intelligent Spirits destroy him, causing defeat to his armies, and a speedy end to his possession of his State.'" [6]

These early Chinese covenants, leagues, and alliances remind one of the "Perpetual League" of Switzerland of 1291 A. D. But since provision was made in them for the settlement of disputes, even the earlier Chinese leagues were as advanced as the Swiss one. The three Swiss states or peoples bound themselves by oath, "to hasten to the aid of the other—in order to resist attacks of evil doers and to avenge injuries," and also to "better defend themselves and their own." [7] Both the Swiss "Perpetual League" and the early Chinese leagues recognized the feudal system and the respective ranks in it. The covenantors were to yield "proper obedience to their over lord." In China this was in accordance with the rules of propriety. They were to receive no one as a judge who had obtained his office for a price. Thus as in China virtue was stressed.

Feudal obligations became the basis for legal theory. Chinese obligations which were feudal at this period were held to in the same way.

When the feudal league in Europe came to settle disputes, besides an appeal to arms, there was the appeal to the church which at that time represented an appeal to a supreme power as universal in theory in Europe as the power of the Son of Heaven was in the theory of China, and in addition there was the appeal to the wise men, which was also a Chinese method, for an arbitration or review of disputes. The "Perpetual League" covenant said: "Prudent men of the confederation shall come together and settle disputes—as shall seem right to them, and the party which rejects the judgment shall be an enemy to the other confederates." [8]

The good economics and common sense which led to the covenant makes the following worthy of our attention:

"The marquis then said, 'Well then, will it not be our best plan to be on good terms with the Jung?' Keang replied, 'To

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[6] Tso's "Commentary," p. 378.

[7] Vincent, "Government of Switzerland," pp. 285–288.

[8] For the Chinese method see quotation (Footnote 99 this chapter) from Tso's "Commentary," p. 355.

be on good terms with the Jung has five advantages. The Jung and Teih are continually changing their residence, and are fond of exchanging land for goods. Their lands can be purchased;—this is the first advantage. Our borders will not be kept in apprehension. The people can labour on their fields, and the husbandmen complete their toil;—this is the second. When the Jung and Teih serve Tsin, our neighbours all round will be terrified, and the states will be awed and cherish our friendship;—this is the third. Tranquillizing the Jung by our goodness, our armies will not be toiled, and weapons will not be broken;—this is the fourth. Taking warning from the sovereign E, and using only measures of virtue, the remote will come to us, and the near will be at rest;—this is the fifth.' The marquis was pleased, and sent Wei Keang to make a covenant with all the Jung. He also attended to the business of the people, and hunted (only) at the proper seasons." [9]

By 589 B. C. we find the states covenanting "that the great states should make no raids on the small." [10] This voluntary restraint on the part of the larger states made possible in 545 B. C. the proposal for the formation of the great league of fourteen states with its theory of overcoming wasteful war by agreement. But with the rejection of this proposal came a return to the lesser covenants which bound various states or groups of states in offensive and defensive alliances. We may take the following covenant entered into in 499 B. C. by Tse and Lu as an example of the return to rival alliance.

"When they were about to covenant together, the people of Tse added to the words of the Covenant these sentences, 'Be it to Lu according to the curses of this covenant, if, when the army of Tse crosses its own borders, it do not follow us with 300 chariots of war.'" [11]

We see from this and other cases which might be cited that the presidency of the states had passed away. The various states had thus reverted to the condition in which they were before the great movement toward interstate organization began. No one state gained preëminence either by force or by diplomacy. The interchange of court visits between the princes became less frequent. "'The rules of propriety gave place to the way of the world.' Great states gave up those

[9] Tso's "Commentary," p. 424.
[10] Ibid., p. 482.
[11] Ibid., p. 777.

visits altogether, and small ones observed them by constraint not willingly." [12] Thus the period of the contending states continued in spite of the protest of the great sages of the time.[13] The unsatisfactory political conditions brought forth the political thinkers and reformers with their theories and their plans, but it also made it possible for a conquering unifier, Ts'in Shih Hwangti, probably a foreigner, to accomplish his ends.

The proposal for the great league of states came in 545 B. C. at the end of a period of war. It was in the 27th year of Duke Seang.

Confucius records the history of this year in his "Spring and Autumn Annals of Lu" as follows: [14]

"1. In the (duke's) twenty-seventh year, in spring, the marquis of Ts'e sent K'ing Fung to Loo on a mission of friendly inquiries.

"2. In summer, Shuh-sun P'aou had a meeting with Chaou Woo of Tsin, K'euh Keen of Ts'oo, Hung-sun Kwei-sang of Ts'ae, Shih Goh of Wei, K'ung Hwan of Ch'in, Leang Seaou of Ch'ing, an officer of Heu, and an officer of Ts'aou, in Sung.

"3. Wei put to death its great officer Ning He.

"4. Chuen, younger brother of the marquis of Wei, left the State, and fled to Tsin.

"5. In autumn, in the seventh month, on Sin-sze, P'aou and the great officers of the States made a covenant in Sung.

"6. In winter, in the twelfth month, on Yih-hae, the first day of the moon, the sun was eclipsed."

Though the covenant is mentioned by Confucius, we are dependent upon Tso's "Commentary" for the real history of the movement and its outcome. The story as recorded by Tso in Legge's "Notes" is as follows: [15]

"(There follows here the conclusion of the narrative at the end of last year: . . . 'This spring, Seu Leang-tae called all who had lost cities to come, prepared secretly with chariots and men, to receive their lands; he also called Woo Yu to come, prepared in the same way to receive investiture. Yu appeared accordingly with all his people, and Seu made the princes assume an appearance as if they were going to invest

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[12] Tso's "Commentary," "Second Year of Duke Gae," (B. C. 494), p. 798.

[13] See "Mencius," Bk. 6, Pt. 2, Chs. 8, 9.

[14] "Ch'un Ts'iu," p. 531.

[15] "Ch'un Ts'iu," Tso's "Commentary," and Legge's "Notes," pp. 532–536.

him (with the cities). He then took the opportunity to seize Yu, and make prisoners of all his followers, after which he took all the cities, and returned them to their owners. This event made the States all well-affected to Tsin).'

"Par. 1. The object of this visit was to introduce, as it were, the new marquis of Ts'e to Loo. Tso says: 'King Fung of Ts'e came to Loo on a friendly mission. His carriage was handsome, and Mang-sun said to Shuh-sun, "Is not K'ing Ke's carriage handsome?" Shuh-sun replied, "I have heard that when a man's robes are finer than befits him, he will come to an evil end. What is the use of the fine carriage?" Shuh-sun gave the envoy an entertainment, at which he did not behave himself respectfully. The host sang with reference to him the Seang shoo (Shi, I. iv, ode VIII), but K'ing Fung did not understand his meaning.'

"Par. 2, 5. By 'Sung' we are to understand here the capital of that State. Tso says:—'Heang Seuh of Sung was on good terms with Chaou Wan-tsze (of Tsin), and also with Tsze-muh, the chief minister (of Ts'oo). Wishing to stop the (constant) wars of the States, and thereby get a name, he went to Tsin, and told his object to Chaou-mang (Chaou Woo, or Wan-tsze), who consulted with the great officers upon it. Han Seuen-tsze said, "War is destructive to the people, an insect that eats up the resources (of a State), and the greatest calamity of the small States. If any one try to put an end to it, we may think it cannot be done, we must sanction his proposal. If we do not, Ts'oo will do so, and proceed to call the states together, so that we shall lose the presidency of covenants." They then agreed in Tsin (to Seuh's proposals). He next went to Ts'oo, where they were raising difficulties; but Ch'in Wan-tsze said, "Since Tsin and Ts'oo have agreed, how can we decline? And men will say that we refused to sanction the stoppage of wars, which will certainly make our people disaffected. Of what use will it be for us to decline?" So they agreed in Ts'e. He sent word (of his plan) to Ts'in which also agreed. He then sent word to all the smaller States, and arranged for a meeting at (the capital of) Sung.

"'In the 5th month, on Keah-shin, Chaou Woo of Tsin arrived at that city, and on Ping Woo Leang Seaou of Ch'ing arrived. In the 6th month, on Ting-we, the 1st day of the moon, they feasted Chaou Wan-tsze in Sung, with Shuh-heang as subordinate to him, when the marshal caused the dishes

to be set forth with the meat in pieces upon them;—which was proper. Chung-ne made (? me introduce here) this ceremony, because it afforded opportunity for many speeches. On Maou-shin, Shuh-sun P'aou, K'ing Fung of Ts'e, Seu Woo of Ch'in, and Shih Goh of Wei arrived. On Keah-yin, Seun Ying of Tsin arrived, subsequent to the arrival of Chaou Woo. On Bing-shin, duke Ch'oh of Choo arrived. On Jin-seuh, the Kung-tsze Hih-kwang of Ts'oo arrived before (the prime minister), and settled the words (of the covenant) on the part of Tsin. On Ting-maou, Heang Seuh went to Ch'in, following Tsze-muh, to settle the words on the part of Ts'oo. Tsze-muh said to him that he had to request that the States which followed Tsin and Ts'oo respectively should be required—those of the one side to appear at the court of the other. On Kang-woo, Heang Seuh returned to report this to Chaou-mang, who said, "Tsin, Ts'oo, Ts'e, and Ts'in are equals; Tsin can do nothing more with Ts'e than Ts'oo can do with Ts'in. If Ts'oo can make the ruler of Ts'in condescend to come to our capital, our ruler will earnestly request (the ruler of) Ts'e to go to Ts'oo." On Jin-shin, the master of the Left (Heang Seuh) went to report this answer to Tsze-muh, who despatched a courier to lay it before the king (of Ts'oo). The king said, "Leave Ts'e and Ts'in out, and let other States be required to appear at both our courts."

"'In autumn, in the 7th month, on Maoy-yin, the master of the Left arrived (from Ch'in); and that night Chaou-mang and Tsze-seih (The Kung-tsze Hih-kwang) made a covenant about the terms to be adopted. On Kang-shin, Tsze-muh arrived from Ch'in and at the same time K'ung Hwan of Ch'in and Kung-sun Kwei-sang of Ts'ae. When the great officers Ts'aou and Heu were also arrived, they made an encampment with fences, Tsin and Ts'oo each occupying one side of it. Pih Suh said to Chaou-mang, "The spirit of Ts'oo is very bad. I fear there will be trouble;" but Chaou-mang replied, "We are on the left, and can turn and go into the city. What can they do to us?"

"'On Sin-sze they were about to covenant outside the western gate, when the men of Ts'oo wore their armour under their outer clothes. Pih Chow-le said (to Tsze-muh), "The multitude of the states are assembled here, and is it not undesirable (now) to show them our want of good faith? The States expect good faith from Ts'oo, and on that account they

come to (indicate) their submission to it. If we do not keep faith, we are throwing away that by which we must effect the submission of the States." He then earnestly begged that the armour might be put off; but Tsze-muh said, "There has been no good faith between Tsin and Ts'oo for long. We have to do merely with getting the advantage. If we get our will, what is the use of having good faith?" The grand-administrator on this retired, and told (some people) that the chief minister would die in less than 3 years. "When he is seeking to get his will," he said, "and casts away his faith, how can his will be got in that way? It is from the purpose in the mind that words come forth; it is by words that good faith is declared; and it is by good faith that the purpose in the mind is realized. The three are necessary in order to the stability of man. Having lost his good faith, how can he continue for three (years)?" Chaou-mang was troubled by the men of Ts'oo wearing their armour, and told Shuh-heang of it, who said to him, "What harm can it do? It will not do for even an ordinary man to violate his faith;—the end of it is sure to be his death. If they, at this meeting of the ministers of the States, commit a breach of faith, they will not be successful by it. He who is false to his word is sure to suffer for it. You need not be troubled about this. If they call men together by (assurances of) their good faith, and go on to accomplish their purpose by violating it, there will be none who will adhere to them. How can they injure us? And, moreover, we have (the capital of) Sung to depend on, to guard against any injury. Thus we should be able to resist to the death, and with Sung doing the same, we should be twice as strong as Ts'oo,—what are you afraid of? But it will not come to this. Having called the States together to put a stop to war, if they should commence hostilities to injure us, our advantage would be great. There is no ground for being troubled."

"'Ke Woo-tsze sent to say to Shuh-sun, (as if) by the duke's command, that Loo should be considered in the same rank as Choo and T'ang. But Ts'e had requested (that) Choo (should be considered as attached to it), and Sung had done the same in regard to T'ang, so that neither of these States took part in the covenant. Shuh-sun replied, "Choo and T'ang are like the private possessions of other States. We are a State among them. Why should we be put on the same footing as those? Sung and Wei are (only) our peers." And accordingly

he covenanted. On this account the text (of par. 5) does not give his clan-name, intimating that he had disobeyed orders.

"'Tsin and Ts'oo disputed about the precedence (at the covenant). On the side of Tsin they said, "Tsin certainly is the lord of covenants. No State has ever taken precedence of it." On the side of Ts'oo they said, "You have allowed that Tsin and Ts'oo are peers. If Tsin always take the precedence, that is a declaration that Ts'oo is weaker than it. And moreover, Tsin and Ts'oo have presided in turns over the covenants of the States for long. How does such presidency belong exclusively to Tsin?" Shuh-heang said to Shaou-mang, "The States acknowledge Tsin because of the virtue (of its government), and not because it presides over their covenants. Let that virtue be your chief concern, and do not quarrel for the point of precedence. Moreover, at the covenants of the States, it is understood that the smaller States should superintend the instruments of the covenanting. If Ts'oo will act this smaller part for Tsin, is it not proper that it should do so?" Accordingly the precedence was given to Ts'oo. The text, however, mentions Tsin first, because of its good faith(?).

"'On Jin-woo, the duke of Sung entertained the great officers of Tsin and Ts'oo at the same time, Chaou-mang being the (chief) guest. When Tsze-muh conversed with him, he was not able to reply to him (suitably), on which he made Shuheang sit by him and maintain the conversation, when Tsze-muh could not reply (suitably). On Yih-yew, the duke of Sung and the great officers of the States covenanted outside the Mung gate. Tsze-muh asked Chaou-mang of what kind had been the virtue of Fan Woo-tsze (Sze Hwuy), and was answered "The affairs of his family were all well regulated; in conversing (with this ruler) about the State, he concealed nothing; his officers of prayers set forth the truth before the Spirits, and used no speeches he could be ashamed of." When Tsze-muh returned to Ts'oo, he told this to the king, who said, "This was admirable! He was able to find favour both with Spirits and men. Right was it he should distinguish and aid five rulers of Tsin, and make them the lords of covenants." Tsze-muh also said to the king, "Well-deserved is the presidency of Tsin. With Shuh-heang to aid its ministers, Ts'oo has no man to match him. We can not content with it." Seun Yin of Tsin shortly went to Ts'oo to ratify the covenant.

"'The earl of Ch'ing entertained Chaou-mang (returning

from Sung) in Chuy-lung. Tsze-chen, Pih-yew, Tsze-ch'an, Tsze-T'ae-shuh, and the two Tsze-shih, were all in attendance on the earl. Chaou-mang said to them, "You seven gentlemen are all here with the earl, a (great) distinction and favour to me. Let me ask you all to sing, which will complete your ruler's beneficence, and likewise will show me your several minds." Tsze-chen then sang the Ts'aou ch'ung (Shi, I. ii, ode III.), and Chaou-mang said, "Good for a lord of the people, but I am not sufficient to answer to it." Pih-yew sang the Shun che pun pun (Shi, I. iv, ode V.), and Chaou-mang said "Words of the couch should not go across the threshold; how much less should they be heard in the open country! This is what I cannot listen to." Tse-se sang the 4th stanza of the Shoo meaou (Shi, II. viii, ode IV.); and Chaou-mang said, "Allow me to accept the last stanza of the ode." Tsze-T'ae-shuh sang the Yay yew man ts'aou (Shi, I. vii, ode XX.); and Chaou-mang said, "This is your kindness." Yin Twan (The 1st Tsze-shih) sang the Sih tsuh (Shi, I. x, ode I.); and Chaou-mang said,

> While the cup passes round, they show no pride;
> Where should blessing and revenue go but to them?

If one can verify those words, though he should wish to decline blessing and revenue, would it be possible for him to do so?'

"When the entertainment was ended, Wan-tsze (Chaou-mang) said to Shuh-heang, 'Pih-yew will yet be put to death.' We use poetry to express what is in our minds. He was calumniating his ruler in his mind; and though the earl would resent (the lines which indicated) that he used them in honour of their guest. Can he continue long? He will be fortunate if exile precede his death.' Shuh-heang said, 'Yes, and he is extravagant. The saying about not lasting five harvests is applicable to him.' Wan-tsze added, 'The rest of them will all continue for several generations; and the family of Tsze-chen will be the last to perish. Though his rank be high, he has not forgotten to be humble. Yin (Twan) is next to him. He can enjoy himself without wild indulgence. Using (his love of) pleasure to give rest to the people, and not exacting services from them to an excessive degree, is it not right he should long perpetuate his family?'

"(Heang Seuh), Sung's master of the Left, asked that he might be rewarded, saying, 'Please grant me some towns for arresting the occasion of death.' The duke gave him sixty

towns, and he showed the grant to Tsze-han, who said to him, 'It is by their arms that Tsin and Ts'oo keep the small States in awe. Standing in awe, the high and low in them are loving and harmonious; and through this love and harmony they can keep their States in quiet, and thereby serve the great States. In this is the way of preservation. If they were not kept in awe they would become haughty. That haughtiness would produce disorder; that disorder would lead to their extinction. This is the way of ruin. Heaven has produced the five elements which supply men's requirements, and the people use them all. Not one of them can be dispensed with;—who can do away with the instruments of War? They have been long in requisition. It is by them that the lawless are kept in awe, and accomplished virtue is displayed. Sages have risen to their eminence by means of them; and men of confusion have been removed. The courses which lead to decline or to growth, to preservation or to ruin, of blindness on the one hand, of intelligence on the other, are all to be traced to these instruments; and you have been seeking to do away with them:—is not your scheme a delusion? No offense can be greater than to lead the States astray by such a delusion. You have escaped without a great punishment, and yet you have sought for reward;—with an extreme insatiableness.' With this he cut (to pieces the document), and cast it away. The master of the Left on this declined the towns, (in consequence of which) members of his family, wished to attack the minister of Works (Tsze-han). Seuh, however, said to them, 'I was on the way to ruin, when he preserved me. I could not have received a greater service;—and are you to attack him?'

"The superior man will say, 'May we not consider (the lines) (Shi, I. vii, ode VI. 2),

> How shall he show his kindness?
> We will receive (his favour),

as applicable to Heang Seuh!'

"I have thrown the Chuen on these two paragraphs together, because they relate to the same transaction, the details of which extended over several months, and because we cannot reconcile the latter par. and the narrative under it, without having recourse to the narrative under the second.

"From Tso under par. 2, we learn that the representatives of 14 States (including Sung), came to the capital of that State, as if to be present at the meeting; but the text mentions only

9 of them as taking part in it, (not including Sung); but we learn also from it that the states of Ts'e and Ts'in were exempted from it because of its peculiar nature and their own greatness. Then from the narrative under par. 5, we learn that the States of Choo and T'and were exempted because of their weakness, and through Ts'e and Sung taking the opportunity to have them publicly declared as being respectively under their jurisdiction. Ts'oo was willing, no doubt, to accede to the application of Ts'e and Sung, because the power of Tsin was thereby weakened.

"With regard to the meeting and covenants themselves, they mark a revolution in the kingdom. Heretofore, for more than a hundred years, one State had struggled to maintain a presidency over the others;—avowedly in the interest of the Chou king. Ts'e first exercised it, and then Tsin. Nearly all the time Ts'oo had disputed their right and power; and now Tsin was obliged to agree to a presidency divided between it and Ts'oo, while both of them acknowledged their inability to control the great States of Ts'in and Ts'e. Evidently, the scheme of presidential State had become an impracticability. A process of disorganization must go on, till some one Power should become supreme. An invigoration of Chou was out of the question; and whether Tsin, Ts'oo, Ts'in or Ts'e was to found the dynasty of the future, the future only could show.

"Again, as the power of the Chou king had waned before the growth of the princes of the great States, the power of those princes was waning in the same way before the growing influence of their ministers and great officers. It might be expected, as actually occurred, that the great States would nearly all be broken up, or the Houses which now ruled them give place to others.

"As to Heang Seuh, with whom the scheme of a general pacification to be secured by this covenant occurred, he appears to have been a restless dreamer, vain and selfish withal. The scheme itself was, as another officer of Sung pronounced it, a delusion. The time had not come then in China to dispense with the arbitrament of arms, as, alas! it has not yet come in China, or anywhere else in the world."

We may pass Legge's comments with the statement that they were at least in keeping with Christianity's response to idealism in regard to peace and war. As a Christian minister he must have known how impracticable and ineffective the

ideals of his Master have always been. The Chinese were not long in learning from such teachers that Christianity was a thing to be preached and not lived.

Tso's record is remarkable. I have quoted it in full to show the science of history writing in his day. Compare his story with the statement of the historical part of Confucius. The reader of Chinese historiographers soon learns that the function of a history writer is to record. He never passes judgment on what is important and what is unimportant. The reader gets the whole record. This method of the historiographer has been condemned by modern "scientific" historians, but Confucius wrote in the spirit of the modern "scientific" historian by recording what was worth while. I read a lesson in history writing when I compare Tso's work with his master's. Which has preserved for us the true China of ancient times?

Before we leave the subject of interstate ideas, something should be said about the outstanding Chinese policy in regard to relations with other states, that is, her policy of isolation. The origin of this theory is very old, but as we have seen it was not respected during much of the Chou period. Since the time of Ts'in Shih Hwangti, it being consistent with the theory of a united universal empire, it has persisted. I consider the classic, "The Hounds of Leu," [16] which is one of the books of Shang of the "Shu King," and is therefore older than the Chou period, as being a good source for the origin of the Chinese isolation theory. Nonintercourse with the outside world is here set down as a policy and the reason for its acceptance is given. There is no doubt but that this book reflects the Chinese theory in regulating their intercourse with the outside world. A mere reading of this book gives one an insight into the attitude of the Chinese court and an understanding of the support the court received from the officials and the people during the days of the attempted openings. Chinese aloofness is here based upon a policy, sound in that it is consistent with the theory that China represents culture and the outside world crudity, if not barbarity. "He (the prince) should not value strange things. . . . When he does not look on foreign things as precious, foreigners will come to him."

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[16] "Shu King," "The Books of Shang," p. 345.

This book, of course, does not represent the isolation theory as it developed in its fullness, but that the basic idea behind the "Hounds of Leu" and the policy as it became developed are the same there can be no doubt. In adhering to this policy in time came the theory which led to the assumption of a self-complacent feeling of superiority in wisdom and power, an attitude which resulted in cutting off foreign trade and communication, and made relationship of lord and vassal the only possible one between China and the outside world.

"The Hounds of Leu"

"After the conquest of Shang, the way being open to the nine wild and the eight savage tribes, the people of the western tribe of Leu sent in as tribute some of their hounds, on which the Great guardian made 'The Hounds of Leu,' by way of instruction to the king.

"He said, 'Oh! the intelligent kings have paid careful attention to their virtue, and the wild tribes on every side have willingly acknowledged subjection to them. The nearer and the more remote have all made offerings of the productions of their countries;—clothes, food, and vessels for use. The kings have then displayed the things thus produced by their virtue, and distributed them to the princes of the States of different surnames, to encourage them not to neglect their duties. The precious things and gems they have distributed among their uncles in charge of States, thereby increasing their attachment to the throne. The recipients have thus not despised the things, but have seen in them the power of virtue.

"Complete virtue allows no contemptuous familiarity. When a prince treats superior men with such familiarity, he cannot get them to give him all their hearts; when he so treats inferior men, he cannot get them to put forth for him all their strength. If he be not in bondage to his ears and eyes, all his conduct will be ruled by correctness. By trifling with men he ruins his virtue; by finding his amusement in things he ruins his aims.

"The aims should repose in what is right; words should be listened to according to their relation to right.

"A prince should not do what is unprofitable to the injury of what is profitable, and then his merit may be completed. He should not value strange things to the contemning things that are useful, and then this people will be able to supply all

his needs. Even dogs and horses which are not native to his country he will not keep; fine birds and strange animals he will not nourish in his kingdom. When he does not look on foreign things as precious, foreigners will come to him; when it is worth which is precious to him his own people near at hand will enjoy repose.

"Oh! early and late never be but earnest. If you do not attend jealously to your small actions, the result will be to affect your virtue in great matters:—as when, in raising a mound of nine fathoms the work is unfinished for want of one basket of earth. If you really follow this course, the people will preserve their possessions, and the throne will descend from generation to generation." [17]

In this chapter we have seen that the Chou period was one when China was divided into many independent states and that, therefore, it was a period which presented conditions favorable to the growth and development of ideas relating to rules of action to be respected by states in their intercourse with one another. In other words, conditions were such that conceptions which later, in other parts of the world, became fundamental to the recognition of the existence of international law, began to take form. As a result we saw that several present-day interstate ideas became recognized in China at that early date. Attention has been called to the exchange of embassies and to the efforts presented for an interstate organization in an attempt to do away with war. We noted the rejection of the plan, because of its idealism and a return to the theory of a peace maintained by an armed balance between groups led by the two most powerful states. We noted also

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[17] "Shu King," Bk. V, "The Hounds of Leu," pp. 345–350. The following, taken from a letter from the Emperor of China to King George III of Great Britain, illustrates the effect of long thinking and action in conformity with the spirit of "The Hounds of Leu": "Swaying the wide world, I have but one aim in view, namely, to maintain a perfect governance and to fulfill the duties of the state. Strange and costly objects do not interest me. I . . . have no use for your country's manufactures. . . . It behooves you, Oh King, To respect my sentiments and to display even greater devotion and loyalty in the future, so that, by perpetual submission to our throne, you may secure peace and prosperity for your country hereafter. . . . Our Celestial Empire possesses all things in prolific abundance and lacks no products within our borders. There was therefore no need to import the manufactures of outside barbarians in exchange for our produce. . . . I do not forget the lonely remoteness of your island, cut off from the world by intervening wastes of the sea, nor do I overlook your excusable ignorance of the usages of our Celestial Empire. . . . Tremblingly obey and show no negligence."

(E. T. Backhouse and J. O. P. Bland, "Annals and Memoirs of the Court of Peking," London, 1914, p. 322.)

the failure of the balance and the growth of disorder between the states to such an extent that the way was laid for the coming of a powerful ruler who conquered all the states and brought them to a unity by force. This ended in Chinese history the period of small states and with it the growth of interstate ideas, and the creation of a government so large that the conception of a universal empire became an accomplished fact. This empire, in the Chinese mind, contained the world of culture and what was outside of it was barbaric. This conception, in turn, made consistent and lasting China's ancient policy of isolation, which through the ages has been China's outstanding foreign policy. Chinese civilization as it is to-day is largely a result of isolation and the Chinese wall still stands as a monument to that foreign policy.

Chapter XVI

EARLY POLITICAL THEORY IN PRACTICE

"In imperial government there is nothing more important than the use of proper men; and when proper men are being looked out for, the first care should be for those to occupy the three high positions."

The quotation given above is taken from a book published in the Yuan Dynasty (thirteenth and fourteenth centuries A. D.), during the time that China was ruled by the Mongols. The theory of the teachers of the Chou period came into general practice after their own period and was so universally recognized in the China of the last eighteen or nineteen hundred years that it continued, substantially in the same form, even during the periods of Mongol and Manchu rule.

It would, therefore, not be inconsistent, when saying something about the actual working of the Chinese government, to describe the governments of almost any time since the Chou period down to the latter part of the Manchu dynasty, because, during practically all this time, the government remained the same in form and its theory was definitely that of the thinkers of the Chou period whom we have considered.

We may say, then, that China has followed in practice for practically 2,000 years a theory which she has known and professed to believe in for over 3,000 years.

The first real break in the Chinese constitutional form of government did not officially come until July 24, 1901, when the creation of, and the granting of, first rank to the Wai-Wu-pu, or Board of Foreign Affairs, was announced to the empire. This marked a complete break with the past and an entire overturning of that Chinese theory of the state which made China coextensive with the civilized world. It brought, therefore, two new conceptions to the Chinese mind. First, that the surrounding "barbarians" were to be considered on an equality with China without an idea of assimilation. And, second, that China was to act *in* the world henceforth, not *as* the world, but as one of many others in the world. Officially Chinese world culture stopped on July 24, 1901, and Chinese national culture began.

I may be criticized for making too much of this point, but I do not think that it is overemphasized. Chinese universal worldism was a long time dying and it did not die a natural death; it was killed by pressure from without and it may be revived because the altar of Heaven, its greatest symbol, still stands, although merely a shadow of its former importance and meaning. On the other hand, looked at from every standpoint, Chinese nationalism is hardly born and is still a very uncertain force in the world. What it may become only the future can tell. Will China examine the various nationalisms in existence to-day and make one of them her teacher and will that one supply ideals and theories which will hold her bound through the ages as the teachers of the Chou period have done? If so, where will she turn? Will it be to England? America? Russia? India? Germany? or France? Or will she turn to her most consistent disciple, Japan, and follow her in her new ways? Or will she rethink in terms of her new nationalism the theories of the period of Chou? We may all venture a guess in answering these questions, or we may point to the seal of the Chinese Republic and say the answer is there. But as a matter of fact the future alone will tell. To this much, though, I am sure all will agree—China's decision will be of great importance in the history of the world.

While Chinese nationalism is still young and uncertain, thirteen years of the Republic have given us great changes and China is to-day in a period in many ways similar to the period of the "Contending States," for she is politically unsettled and full of political freethinking. The young Chinese whom we meet to-day, who have been schooled in the West and who see future China in the terms of western thought, inform us that China will never again be as she was. Elder men, who have had longer experience in life and who have passed through a period of long observation in China, tell us that the changes are merely surface ones and that under the skin of the Chinese mass the old philosophy and thought still hold sway. May we not trust that, no matter what changes come, there are two Chou period ideals that are worthy not only of modern China's but also of the world's consideration: first, that governors should base their actions in government upon virtue; and, second, that the people functioning as thoughtful individuals whose natures are good shall be the makers of the standards of political virtue?

Following the Chinese order in its regular sequence as the Confucian school historians would teach it, we would have the following documents to depend upon for a description of the governmental form and the manner in which it functioned. First of all we have the "Canon of Yao," which, if we accept the Chinese chronology, should be dated before 2100 B. C. From the standpoint of the constitution, the "Canon of Yao" established and made certain the emperorship, and, under direction of Yao, "he united and harmonized the myriad states of the empire; and lo! the black-haired people were transformed. The result was universal concord." [1] In addition to the recognition of the emperorship and the uniting of the people, the theory laid down in the selection of Shun to succeed Yao places firmly in the Chinese constitution the idea that merit and virtue shall be the first requirements to rulership.

The next great constitutional document is the "Canon of Shun," which is quoted in full in Chapter IV. The "Canon of Shun," if the document itself were as old as the government and the history it describes, would be dated before 2000 B. C. Under the "Canon of Shun" the Five Cardinal duties are set forth and given constitutional recognition; the tours of inspection, instructions to, and the reports of, the subordinate officials were instituted; the division of the empire was made; statutory punishments were enacted and the spirit of their enforcement announced; the heads of the various administrative departments were appointed, which in course of time resulted in the departmental division of the administration of the empire; and the Civil Service examination system of obtaining governmental officials was established.

Thus, according to the Chinese theory, the constitutional form of government was well established and had been properly functioning for over nine hundred years when the Chou period set in.

Under the Chou dynasty the great constitutional documents were, "The Establishment of Government" and "The Officers of Chou," both found among the Books of Chou in the "Shu King." From these documents we obtain the constitutional form and from the "Chou Li" ("Rites of Chou") and the "Royal Regulations" of the "Li Ki" ("Canon of Rites") we get a minute description of the government and the ceremonial code covering actions of those in public life and the details

[1] "Shu King," "Canon of Yao," p. 17.

of the institutions of government. From the other parts of the "Li Ki" we are able to get the ceremonial code of a private man.

Thus there are documents sufficiently reliable from which we may gather a description of the institutions which are fundamental to the Chinese constitution, and those documents should picture the theory in practice. Historical research will not, however, sustain completely the Chinese chronology nor support the supposed authorship; but that all documents and the larger descriptive books are sufficiently ancient to reflect our period and be descriptive of it there can be no doubt, and neither can there be doubt but that the Chinese government through the ages has accepted them for what they are said to be to such an extent that they have become policy-forming and constitution-establishing. There is not always complete agreement between the sources which may be taken as authoritative. An illustration of this may be cited from the "Officers of Chou," a book of the "Shu King," and Book 38 of the "Chou Li." The "Shu King" says: "In six years the chief of the five tenures attend once at court." Whereas the "Chou Li" points out: "The princes of the six tenures appear at court, from such and such a tenure every year and from others every two years." The differences noted are as to the number of tenures and also the scheme for their appearance at court. These differences are not vital and, instead of calling to question the sources as authoritative, they rather confirm them as such.

From these classical documents and books we learn first that "the King of Chou brought the myriad of regions of the empire to tranquillity," and thus, with rebellion quelled, disobedience punished, and a peace secured within the borders of the whole kingdom, there was leisure to attend to the right ordering of the system of administration. From a study of this system and the statutes and rites incident to it we are able to gather the following information:

To Chou-Kung, the great duke of Chou, who died in 1105 B. C., and to whom the writing or compiling of the "Chou Li" is ascribed, must be given the credit as the organizer of the state machinery of the Chou period. This fact is supported not only by the "Chou Li" but also by the two books, "The Establishment of Government," and "The Officers of Chou," in the "Shu King." That changes and additions have come to the "Chou Li" through the ages there can be no doubt, but

its ancient origin cannot be questioned. The practical requirements in the course of the administration of government during the hundreds of years of the Chou period alone would necessitate the making of many changes. If Chou-Kung is given credit for the nucleus, we have in the completed book a description of the Chou period government at its fullest development and as such it has stood as a guide to future generations.

The theory and practice of the Chou period admits of two grand divisions of the inhabitants of the empire: first, the emperor, or the emperor and his administrative representatives; and, second, the people, or the officers and the people. From the standpoint of the people the officers of government should be classified with the emperor; from the standpoint of the emperor they should be classified with the people.

Geographically and governmentally, China of the Chou period was an empire made up of feudal or confederated states. The emperor in theory always ruled, established the states, and defined their boundaries, and through him the rulers held their appointments. In practice, at times, the power of the Son of Heaven was strong, at times weak. The governments of the various states were modeled after the government of the Son of Heaven, and from time to time these governments were inspected by the emperor. A rigid religious ceremonial regulated the daily life of all government officials from the emperor and his officials down to the feudal lords and their officers. This religious ceremonial was the bond that held the Chou organization together. And it is because of this ceremonial that Chinese administrative politics has always had its religious and moral significance. There was hardly an act in the official and social life of an officer which did not have its ceremonial nicety. His dress, his speech, his posture were all according to form. Confucian propriety had as its aim the regulation of government and governmental individuals, making them immutable and exact, by removing all personal initiative and spontaneity from public life. Propriety was considered the basis of stability.

Below the emperor and the princes came the mass of the people. While they were without caste, still propriety affected them and so regulated their lives that they may be definitely divided. Just as the whole nation is divided between emperor and people, the people themselves are first divided between the

ruling officials and their assistants, and what may be roughly spoken of as the working class. The working class was divided into sections which may be named in the following order: (1) the land-holding class, which was divided into (a) those that produce grain, and (b) those that grow plants and fruit trees; (2) the land-using class, which was divided into (a) those who were occupied with the products of the forests and the mountains, and (b) the raisers of cattle and fowl; (3) the artisans; (4) the merchants, both local and traveling; (5) wives, who are entitled to classification with the working class, because it was they who directed the silk culture and the changing of silk and hemp into cloth; (6) male and female servants; (7) all others who had no fixed occupation, but whose status might change in meeting given demands.

The agricultural population held their land as tenants of their princes and had to deliver a percentage of the cereals grown as rent or tax. The amount would be fixed according to the fertility of the soil, which would be determined by officers appointed for the purpose, who also instructed the cultivators in methods of agriculture, and in the choice of the best grains and vegetables. Under this same advisory system irrigation was directed. Sericulture and silk manufacture were also directed by governmental officials. All the people were treated as one universal family, the emperor being the patriarch, and the officials not only administrators, judges, and collectors of taxes, but also inspectors and instructors.

The governmental organization in form was the same for the empire as for the separate states; and, as the feudal scheme prevailed during most of the Chou period, the hereditary principle was recognized. Although there was opposition to this, and leagues and covenants entered into against it, we shall find, when we cite a historical example of a Chou government properly functioning, that the hereditary principle was commended.

We shall now describe the administrative divisions.

After the emperor (T'ien-Tsi) in power came the prime minister (ta-tsai) who had general charge of the six divisions of government and who acted as chief of the first or highest board. As suggested above, this division of all official work into six categories has become the prototype of the six board (liu-pu) of the later periods.

In order the boards may be given as follows:

1. "The Mandarin [2] of Heaven" (T'ien-Kuan). This was the highest department; therefore, it had general supervision over all government affairs. It had the control of, and the appointment of, all other officers. It regulated the food and the dress and all the activities of the emperor.

2. "The Mandarin of Earth" (Ti-kuan). This department was responsible for the welfare of the people. It had charge of the general instruction of the people, especially in agriculture, as this was fundamental both to the life of the people and to the government, as the chief source of wealth and revenue. This board also directed marriages, and, as a special duty, saw to it that maidens were married when they were twenty and men by the time they were thirty.[3]

3. "The Mandarin of Spring" (Ch'un-Kuan) had charge of state and religious rites and ceremonies. The Mandarin of Spring directed the observances of the ceremonials of the seasons, divinations, and astrological investigations.

4. "The Mandarin of Summer" (Hia-Kuan). This board or officer enforced the executive powers. It provided instructions for raising, training, and equipping troops. This board became the Department of War.

5. "The Mandarin of Autumn" (Ts'iu-Kuan) had charge of punishments and the administration of law. It was the Department of Justice.

6. "The Mandarin of Winter" (Tung-Kuan) had the direction of all public works.

"The Mandarin of Heaven," aside from acting as Prime Minister, fixed the amounts to be levied as dues or as tribute, and also levied taxes of all kinds. He regulated the public expenses and thus he had control of the entire governmental service, military as well as civil. In addition he had charge of the households of the emperor, the empress, the crown prince, and the imperial concubines. His control of these last-named establishments was maintained by providing the revenue which paid the eunuchs, for this institution of oriental court life was functioning true to its insidious and intriguing form even in the

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[2] The term "Mandarin" is often considered as having come into Chinese from the Portuguese "Mandar"; but it is more probably from the Sanskrit "Mantrin," which means counselor and is derived from the root "Man"—"to think." We may think of the six governmental divisions as boards or departments or, personally, as officers of administration.

[3] This is a point of controversy. Some authorities understand the ancient rule to have been that men could not marry until they were thirty nor maidens until twenty.

ancient days of Chou propriety and presumed morality. Eunuchism, which has apparently always been a curse to Chinese court life, did not, though, in the Chou period, develop to the extent that it did in later times. The eunuchs in the Chou period were classified and considered as servants, and their duties were neither administrative nor political.

"The Mandarin of Heaven," in directing the daily political life of the emperor, saw to it that he assumed the postures, dress, and speech fitting to the given ceremony; that his food was planned and served according to fixed rules for the various seasons and for every possible occasion. He saw to it that the emperor did not eat during times of famine and calamity, for was he not responsible for such conditions? And he saw to it also that the emperor's meals were presented to him not by a eunuch, but by a court attendant who had to taste the food as he presented it. Thus in very ancient times came the control of imperial persons and households. And the same rigid ceremony and control was brought to bear upon the feudal lords.

"The Mandarin of Earth" was the real parent of the people. His jurisdiction extended to all relations of life. He controlled the trade and the occupations of the people, ordered civil services, and demanded religious duties. He instructed in family affairs and might even interfere with private life. His assistants, locally, were sort of justices of the peace who saw to it that there was no disorder. Under the direction of the "Mandarin of Earth" also worked the censoring officers who directed that officials ruled properly and the people with propriety obeyed. They were the enforcers of general goodness. One of the officers of this department, the Pau-Shi, might even reprimand the emperor; and another, the Ssi-Kien, or public remonstrator, was supposed to mix with the people in order to study their lives, correct their faults, and report any evils he might discover. That the people were properly "parented" there can be no doubt. Under the "Mandarin of Heaven" the civil service was administered, for the hereditary principle did not extend further than to a few of the imperial princes and the feudal lords; even the highest government officials were selected from among the people. The eldest sons of the higher officials were, to be sure, given a preferred position and were called "Sons of the Empire" (Kuo-Tzi), and as such were given the chance to obtain a higher education. There was

another type of hereditary office which was more economic than political in its nature. Certain arts with craft secrets were allowed to remain with one family and thus family monopolies were created and perpetuated.

From "Li Ki" we get a description of the ordinary working of the civil service.

"Orders were given that, throughout the districts, the youths who were decided on as of promising ability should have their names passed up to the Minister of Instruction, where they were called 'select scholars.' He then decided which of them gave still greater promise and promoted them to the (great) college,[4] where they were called 'eminent scholars.' Those who were brought to the notice of the minister were exempted from the services in the districts; and those who were promoted to the (great) school, from all services under his own department, and (by and by) were called, 'complete scholars.'" [5]

"The Mandarin of Spring" and the functions of his department bespeak the religious activities of the officers and people of the period. This department through the ages has been a sustainer of superstition. The art of obtaining the desired omens from the unseen world was cultivated in every possible way, and affected the lives and habits of all the people. Religiously the emperor addressed himself to God or Heaven, and the people, according to their station, to the lower orders, the sun, the moon, the stars, the hills, the rivers, the forests, and, finally, to the souls of departed ancestors.

"The Mandarin of Spring," aside from his position as a preserver of rites and superstitions, must be given credit for splendid, and, to an extent, scientific work in connection with the calendar and the ancient astronomical observations, which have been checked and proved correct.

During the Chou period there were no standing armies. The levies were made by the "Mandarin of Earth" and the "Mandarin of Summer," who, as a sort of commander-in-chief, directed the soldiers after they were called together. We learn much of the statistical development and methods from the rules covering the raising of troops for external war, or for suppressing rebellion, or for help in conducting hunting expeditions. Each family was required to keep a certain number

[4] This would be the College at the Capital.

[5] "Li Ki," "Royal Regulatione," p. 232.

of able-bodied men in readiness at all times, and, in order to regulate this number, a census was taken every three years. Males and females, adults and children were distinguished, and note was taken of domestic animals and tools for work. The philosopher Kuan-Tzu, who died in 646 B. C., developed his statistical methods in figuring probable taxes and creating tax monopolies from the practices already working in the methods of levying and accounting for troops.

From the ancient records we have evidence that the departments had developed geographical knowledge and science, and map-making had become an art.

Tso in his "Commentary on the Spring and Autumn Annals of Lu," under the twelfth year of Duke Seuen (596 B. C.), puts into the mouth of one of the officers of that date the following description of the manner in which the state of Ts'oo functioned. He was showing that the government of Ts'oo was so nearly ideal that it would easily withstand attack and that it would be disastrous to go against her. The "Commentary" says:

"(Again), last year Ts'oo entered the capital of Ch'in, and this year it entered that of Ch'ing; but its people have not complained of the fatigue and toil, nor murmured against their ruler:—showing how well its government is ordered. (Then), throughout Ts'oo, when its forces are called out according to its system, its travelling merchants, husbandmen, mechanics, and stationary traders, have not their several occupations injuriously interfered with, and the footmen and chariot-men act in harmony with one another:—showing how collision is avoided in its ordering of affairs.

"(Further), when Wei Gaou became chief minister, he selected the best statutes of Ts'oo. When the army is marching, the (footmen of the) right keep on either side of the chariot, and those of the left go in quest of grass and rushes. The bearers of the standards of the maou keep in advance, looking out anxiously that nothing occur for which there is not preparation. The troops in the center are ready to act as occasion may require, while behind them is the strength of the army. The different officers move according to the signals displayed, and the ordering of the army is ready for any emergency, without special orders for it being given. Thus is Ts'oo able to carry out its statutes.

"(Lastly), when the viscount of Ts'oo raises individuals

to office, they are of the same surname with himself, chosen from among his relatives, and of other surnames, chosen from the old servants of the State. But officers are given with due respect to the necessary qualifications, and rewards are conferred according to the service performed, while at the same time additional kindness is shown to the aged. Strangers receive gifts, and enjoy various exemptions. Officers and the common people have different dresses to distinguish them. The nobles have a defined standard of honour; the mean have to comport themselves according to different degrees. Thus are the rules of propriety observed in Ts'oo.

"Now why should we enter on a struggle with a State which thus manifests kindness, carries out justice, perfects its government, times its undertakings, follows its statutes, and observes so admirably the rules of propriety? To advance when you see advance is possible, and withdraw in face of difficulties, is a good way of moving an army; to absorb weak States, and attack those that are wilfully blind, is a good rule of war. Do you for the present order your army accordingly, and follow that maxim. There are other States that are weak and wilfully blind; why must you deal with Ts'oo (as if it were so)? There are the words of Chung Hwuy, 'Take their States from the disorderly, deal summarily with those that are going to ruin, absorb the weak.'" [6]

Tso, in his "Commentary on the Fourth Year of Duke Ting" (505 B. C.), gives us a hint as to the force of the Books of Shang and of Chou of the "Shu King" on the governmental forms of his day when he says: "Both in Wei and Lu they were to commence their government according to the principles of Shang, but their boundaries were defined according to the rules of Chou."

Many passages might be quoted from the "Li Ki," the "Chou Li," and the "Shu King" illustrating the dignities of the empire and their emoluments; but if we may judge from the following statement of Mencius the quotations would not be descriptive of actual conditions of the Chou period, but, in the main, I think, Mencius confirms what we have said.

"Pih-Kung E asked Mencius, saying, 'What was the arrangement of dignities and emoluments determined by the house of Chou?'

"Mencius replied, 'The particulars of that arrangement

[6] Tso's "Commentary," p. 317.

cannot be learned, for the princes, disliking them as injurious to themselves, have all made away with the records of them. Still I have learned the general outline of them.'

"The Emperor constituted one dignity; the 'Kung' one; the 'How' one; the 'Pih' one; and the 'Tsze' and the 'Nan' each one of equal rank; altogether making five degrees of dignity. The sovereign again constituted one dignity; the Chief Minister one; the great officers one; the scholars of the first class one; those of the middle class one; and those of the lowest class one; making six degrees of dignity.

"To the Emperor there was allotted a territory of a thousand li square. A Kung and a How each had a hundred li square. The Pih had seventy li, and a Tsze and a Nan had each fifty li. The assignments altogether were of four amounts. Where the territory did not amount to fifty li, the chief could not have access himself to the emperor. His land was attached to some Howship and was called a Foo-Yung.

"The chief ministers of the emperor received an amount of territory equal to that of a How; a great officer received as much as a Pih; and a scholar of the first class as much as a Tsze or a Nan.

"In a great state, where the territory was a hundred li square, the sovereign had ten times as much income as the chief ministers; a chief minister four times as much as a great officer; a great officer twice as much as a scholar of the first class; a scholar of the first class twice as much as one of the middle; a scholar of the middle class twice as much as one of the lowest; the scholars of the lowest class, and such of the common people as were employed about the government offices, had the same emolument; as much, namely, as was equal to what they would have made by tilling the fields.

"In a state of the next order, where the territory was seventy li square, the sovereign had ten times as much revenue as the chief minister; a chief minister three times as much as a great officer; a great officer twice as much as a scholar of the first class; a scholar of the first class twice as much as one of the middle; a scholar of the middle class twice as much as one of the lowest; the scholars of the lowest class and such of the common people as were employed about the government offices, had the same emolument; as much, namely, as was equal to what they would have made by tilling the field.

. . . . . .

"As to those who tilled the fields, each husbandman received a hundred mow. When those mow were manured, the best husbandman of the highest class supported nine individuals, and those ranking next to them supported eight. The best husbandman of the second class supported seven individuals, and those ranking next to them supported six; while the husbandmen of the lowest class only supported five. The salaries of the common people who were employed about the government offices were regulated according to these differences." [7]

The above statement from Mencius leaves us first with the thought that we cannot trust the records we have in describing the early governments, but on second thought we see that Mencius' answer is an actual description of how the theories were functioning—not so well as philosophers would have them, for they saw ill in the governments of their day and pointed out conditions in better times. From the standpoint of the teacher of ideal practices and conditions, no theory is ever lived up to.

Mencius, in spite of his assertion, gives as much good information, as we see: but he also hints at a condition which we may accept and which will cause us better to understand the government in practice. The Chinese theory of the proper governmental organization did not have its origin in the "Canon of Shun," nor in the Books of Chou, nor even in the "Chou Li," or the "Royal Regulations" in the "Li Ki." These books are, after all, descriptive of conditions and organization as they existed or as they should exist. I have spoken of the "Canon of Shun" as having the force of a constitution, and that is true. So had the Chou li, and the "Royal Regulations" in the "Li Ki," but none of these were ever constitutions which instituted the organization; they were descriptive of the constitutional form as it existed or as it should exist. That the princes before the time of Confucius and during the time of Mencius had failed to follow in their practice the constitutional form shows us that the period of the "Contending States" was a period of disorder and loose constitutional practice, which indeed it was; and therefore we may say that during this period what the Confucian school would call Chinese theory did not function, but, as we may read, there was much that did. Nevertheless, we do know, from reading the "Spring

[7] "Mencius," Book V, Pt. II, Ch. 2.

and Autumn Annals of Lu," and from Tso's "Commentary" on that book, that the royal government, which was the ideal of Confucius and of Mencius, was at an exceedingly low ebb, and that royal authority was reduced very low during nearly all of the last half of the Chou period. The form persisted, but the spirit was gone.

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